

Also, resolution (H. Res. 284) directing the Committee on Naval Affairs to report a bill for the construction of three battleships; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 8836) for the relief of James A. Miller, representative of the heirs of James M. Miller, deceased; to the Committee on War Claims.

By Mr. FREAR: A bill (H. R. 8837) for the relief of George W. Moore; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 8838) to correct the naval record of George R. Gray; to the Committee on Naval Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 8839) granting a pension to Julia A. Oswald; to the Committee on Invalid Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 8840) to quiet title and possession with respect to certain private land claims in the State of Louisiana; to the Committee on the Public Lands.

By Mr. MOSS of West Virginia: A bill (H. R. 8841) granting a pension to Dora Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8842) granting an increase of pension to Frances Rollins; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 8843) granting a pension to William R. Hardison; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the American Roumanian Jewish Emancipation Committee of New York, N. Y., relative to oppression of and discrimination against the Jews by the Roumanian Government; to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of 417 employees of the Dorce Works, American Sheet & Tin Plate Co., protesting against the dissolution of the United States Steel Corporation; to the Committee on the Judiciary.

By Mr. FIELDS: Petition of citizens of the ninth congressional district of Kentucky, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Ways and Means.

SENATE.

Monday, October 13, 1913.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Thursday last was read and approved.

MEMORIAL.

Mr. GRONNA presented a memorial of the Woman's Club of Hope, N. Dak., remonstrating against the passage of the so-called Hetch Hetchy bill, granting to the city and county of San Francisco certain rights of way, etc., which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLET managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes; recedes from its disagreement to the amendments of the Senate numbered 44 and 61 to the bill, and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 8 and agrees to the same with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House recedes from its disagreement to the amendment of the Senate numbered 107, and agrees to the same with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its disagreement to the amendments of the Senate numbered 10, 11, 27, 28, 29, 30, 31, 32, 33, 82, 93, and 97 to the bill.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice President:

H. J. Res. 111. Joint resolution to authorize the reinstatement of Adolph Unger as a cadet in the United States Military Academy; and

H. J. Res. 132. Joint resolution authorizing the Secretary of Agriculture to make an exhibit at the Sixth National Corn Exposition, to be held at Dallas, Tex., during the month of February, 1914.

TARIFF DUTY ON WOOL.

Mr. TILLMAN. Mr. President, I ask the Secretary to read the paper I send to the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

In the tariff debate of 1889 Senator Zeb Vance, of North Carolina, read in the Senate a piece of doggerel entitled, "A Girl with One Stocking—A Protective Pastoral."

("Composed and arranged for the old spinning wheel; and respectfully dedicated to that devoted friend of protected machinery and high taxes, the Senator from Rhode Island.")

It is so appropriate to reproduce it just at this time, when we have enacted another tariff law, that I ask for its republication.

With free wool, "Mary" will have to forego the 56 per cent and let her women friends wear stockings on both legs instead of only one—something they have not been able to do in more than 20 years. I read it years ago, and clipped it for my scrapbook. I have recently had it looked up in the Record, and find it appeared January 21, 1889.

Our Mary had a little lamb,
And her heart was most intent
To make its wool beyond its worth
Bring 56 per cent.
But a pauper girl across the sea
Had one small lamb also,
Whose wool for less than half that sum
She'd willingly let go.
Another girl who had no sheep,
No stockings—wool nor flax—
But money enough just to buy
A pair without the tax,
Went to the pauper girl to get
Some wool to shield her feet,
And make her stockings, not of flax
But of wool complete.
When Mary saw the girl's design
She straight began to swear
That she'd make her buy both wool and tax
Or let one leg go bare.
So she cried out: "Protect Reform!
Let pauper sheep wool free!
If it will keep both her legs warm
What will encourage me?"
So it was done, and people said
Where'er that poor girl went,
One leg was warmed with wool and one
With 56 per cent.
Now praise to Mary and her lamb,
Who did the scheme invent,
To clothe the one-half a girl in wool
And one-half in per cent.
All honor, too, to Mary's friend,
And all protective acts,
That clothe the rich in wool
And wrap the poor in tax.

The correspondent of the Chicago Herald of that date, in sending the account of it to his paper, commented as follows:

The reading of this piece of doggerel was received with shouts of laughter, even Republican Senators leaning back in their seats and giving unrestrained way to their mirth. As for the people in the galleries, they screamed and yelled frantically, and when Senator Vance sat down they kept up their uproarious applause until the North Carolina orator gravely inclined his head in acknowledgment.

WOMAN SUFFRAGE.

Mr. ASHURST. I ask unanimous consent to present the following unanimous-consent agreement, and I ask that the same be read.

The VICE PRESIDENT. The Secretary will read the proposed agreement.

The SECRETARY. The Senator from Arizona [Mr. ASHURST] asks unanimous consent that on Thursday, January 8, 1914, immediately upon the conclusion of the routine morning business,

the Senate will proceed to the consideration of Senate joint resolution No. 1, being a joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women; and that not later than the hour of 4 o'clock p. m. on Thursday, the 29th day of January, A. D. 1914, the Senate will proceed without further debate to vote upon any amendment that may then be pending, any amendments that may be offered, and upon the joint resolution, through the regular parliamentary stages, to its final disposition.

The VICE PRESIDENT. The question is on the unanimous-consent agreement offered by the Senator from Arizona. Is there objection?

Mr. SMITH of Georgia. Mr. President, while I hope the currency bill will be disposed of long before January, I think we should not give unanimous consents to consider other bills until it has been disposed of. For that reason for the present I shall object. I hope long before January that the currency bill will have passed, and then I will be pleased to consent that the measure pressed by the Senator from Arizona be assigned to a special day.

The VICE PRESIDENT. There is objection.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3206) for the protection of the water supply of the city of Baker, a municipal corporation of the State of Oregon; to the Committee on Public Lands.

A bill (S. 3207) for the relief of the State of Oregon; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 3208) to amend section 29 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

A bill (S. 3209) granting a pension to Jane E. Stewart; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 3210) to establish a fish-cultural station at some point in the State of Louisiana; to the Committee on Fisheries.

By Mr. WILLIAMS:

A bill (S. 3211) donating cannon to the city of West Point, Miss.; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 3212) amending paragraph 81 of the act creating a public-utilities commission; to the Committee on Interstate Commerce.

By Mr. O'GORMAN:

A bill (S. 3213) granting a pension to Oscar C. Dunlap; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3214) granting an increase of pension to Oden Gibson (with accompanying paper); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 3215) for the relief of John E. Griffin; and

A bill (S. 3216) for the relief of Benjamin F. Lancaster; to the Committee on Military Affairs.

A bill (S. 3217) to acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3218) for the relief of James E. Walker; to the Committee on Naval Affairs.

A bill (S. 3219) for the erection of a monument to Gen. James Moore upon Moores Creek battle ground, North Carolina; to the Committee on the Library.

A bill (S. 3220) to establish a fish-cultural station on Lumber River, in Moore County, N. C.; to the Committee on Fisheries.

(By request.) A bill (S. 3221) for the relief of William C. Staples;

A bill (S. 3222) for the relief of Thomas Monteith;

A bill (S. 3223) for the relief of the heirs of Felix B. Parks, deceased;

A bill (S. 3224) for the relief of the heirs of William Parks, deceased;

A bill (S. 3225) for the relief of the heirs of Isaac Brown;

A bill (S. 3226) for the relief of heirs or estate of William R. Tatum, deceased;

A bill (S. 3227) for the relief of Mary J. Tatham, heir of Robert D. McCombs, deceased;

A bill (S. 3228) for the relief of the estate of W. F. Sander-son;

A bill (S. 3229) for the relief of George A. Russell, administrator of Stephen Chadwick, deceased;

A bill (S. 3230) to carry out the findings of the Court of Claims in favor of Harriet Andrews;

A bill (S. 3231) for the relief of Sidney T. Dupuy and George R. Dupuy, the only surviving heirs of George R. Dupuy, deceased;

A bill (S. 3232) for the relief of the estate of William C. Lewis;

A bill (S. 3233) for the relief of the heirs and distributees of H. W. Hargrove;

A bill (S. 3234) for the relief of John Burke Morris;

A bill (S. 3235) for the relief of W. B. Whitfield;

A bill (S. 3236) for the relief of William Foy and H. B. Lane, executor of Mrs. H. B. Lane;

A bill (S. 3237) for the relief of John G. Young;

A bill (S. 3238) for the relief of John Wise;

A bill (S. 3239) for the relief of L. A. Garner, administrator of Samuel C. Garner, deceased;

A bill (S. 3240) for the relief of Ben Pigott;

A bill (S. 3241) for the relief of George Jerkins;

A bill (S. 3242) for the relief of the estate of L. G. Smith, deceased;

A bill (S. 3243) for the relief of Fannie E. Gardner;

A bill (S. 3244) for the relief of the heirs of Mary Leecraft;

A bill (S. 3245) for the relief of Frank Gible;

A bill (S. 3246) for the relief of William Bryan;

A bill (S. 3247) for the relief of Frederick Pace;

A bill (S. 3248) for the relief of David J. Middleton;

A bill (S. 3249) for the relief of John L. Brown and the estates of A. T. Redditt and William G. Judkins;

A bill (S. 3250) for the relief of the estate of H. D. Coley, deceased;

A bill (S. 3251) for the relief of Martha A. Moffitt, widow of Eli A. Moffitt;

A bill (S. 3252) for the relief of Franklin Foy;

A bill (S. 3253) for the relief of the heirs of Nancy Barfield, deceased;

A bill (S. 3254) for the relief of W. J. Craddock;

A bill (S. 3255) for the relief of J. A. Denny;

A bill (S. 3256) for the relief of James F. White;

A bill (S. 3257) for the relief of I. F. Hill, executor of W. E. Hill;

A bill (S. 3258) for the relief of the heirs of D. W. Morton;

A bill (S. 3259) for the relief of the heirs of John S. Askin, Arthur Ipock, and John T. Ipock;

A bill (S. 3260) for the relief of Sarah R. Hay;

A bill (S. 3261) for the relief of C. G. Perkins;

A bill (S. 3262) for the relief of the heirs of Cicero M. Davis;

A bill (S. 3263) for the relief of the estate of D. L. Pritchard, deceased;

A bill (S. 3264) for the relief of Joseph B. Banks;

A bill (S. 3265) for the relief of the heirs of Lemuel Freeman, deceased;

A bill (S. 3266) for the relief of Mrs. A. M. Bacon;

A bill (S. 3267) for the relief of the estate of John Henry Jackson, deceased;

A bill (S. 3268) for the relief of Cleveland L. Short;

A bill (S. 3269) for the relief of H. D. Norcom, administrator de bonis non of E. H. Norcom, deceased;

A bill (S. 3270) for the relief of the heirs of John Fairley, deceased;

A bill (S. 3271) for the relief of John A. Norris;

A bill (S. 3272) for the relief of heirs or estate of Joseph D. Hayes, deceased;

A bill (S. 3273) for the relief of D. S. Barrus and I. H. Barrus;

A bill (S. 3274) for the relief of the heirs of Elijah D. Guthrie;

A bill (S. 3275) to refund the cotton tax to the States wherein collected;

A bill (S. 3276) for the relief of Calvin J. Cowles; and

A bill (S. 3277) for the relief of Sidney Maxwell; to the Committee on Claims.

A bill (S. 3278) granting a pension of Charles G. Bryant;

A bill (S. 3279) granting an increase of pension to Stephen M. Buckner;

A bill (S. 3280) granting an increase of pension to Jacob C. Ramsey;

A bill (S. 3281) granting a pension to James Carroll;

A bill (S. 3282) granting an increase of pension to John Clark;

A bill (S. 3283) granting a pension to Robert H. Cowan;

A bill (S. 3284) granting a pension to Edward W. Trice;

A bill (S. 3285) granting a pension to Mary E. Gosnell;

A bill (S. 3286) granting a pension to Henry Young;

A bill (S. 3287) granting an increase of pension to Thomas Loyd;

A bill (S. 3288) granting an increase of pension to William Norton;

A bill (S. 3289) granting an increase of pension to William H. Stanley;

A bill (S. 3290) granting an increase of pension to Thomas M. Wilson;

A bill (S. 3291) granting a pension to Christopher M. Saunders;

A bill (S. 3292) granting an increase of pension to Annie E. Millikin;

A bill (S. 3293) granting a pension to Louisa D. Stewart; and

A bill (S. 3294) granting a pension to Frank C. Freeman; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3295) for the relief of George E. Zimmerman (with accompanying papers); to the Committee on Public Lands.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. OVERMAN. I ask that the message from the House relative to the urgent deficiency appropriation bill be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives on House bill 7898, which was read, as follows:

Resolved, That the House recedes from its disagreement to the amendments of the Senate numbered 44 and 61 of the bill (H. R. 7898) entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes," and agrees to the same.

That the House recedes from its disagreement to the amendment of the Senate numbered 8, and agrees to the same with an amendment as follows: In line 3 of the said amendment strike out "or existing regulations" and insert "or by authority or direction of the collector of internal revenue or the United States marshal."

That the House recedes from its disagreement to the amendment of the Senate numbered 107, and agrees to the same with an amendment as follows: In line 19 of said amendment, after "Congress," insert "the chairman of the House Committee on the Library."

Mr. OVERMAN. I move the adoption of the conference report, and I will then move that the Senate recede from its amendments in dispute and concur in the amendments of the House to the amendments of the Senate Nos. 82 and 107. I ask for the adoption of the conference report.

Mr. BORAH. May I ask the Senator whether there were any changes made in the conference report with reference to the transfer of cases which are pending before the Commerce Court?

Mr. OVERMAN. No change was made, except a verbal change in regard to the transfer by the 31st of December, when the court expires. The cases will be transferred, but there are some cases which have been argued and are now in the hands of judges, and we inserted some verbiage in order that the judges might decide those cases that already have been argued. But everything is to be transferred on the 31st day of December.

Mr. BORAH. Those were the cases I had in mind, cases which have been argued and submitted and which are now in such a condition that the judges may decide them.

Mr. OVERMAN. The judges may decide those. That is the amendment of the House to the amendment of the Senate I am going to ask the Senate to concur in. The only difference made by the House amendment is some verbal change. I want to inform the Senate as to what the disagreements are, but first I will ask the Senate to adopt the conference report.

Mr. BURTON. I should like to inquire what is the amendment to amendment numbered 8. I ask that that be read again.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That the House recedes from its disagreement to the amendment of the Senate numbered 8, and agrees to the same with an amendment as follows: In line 3 in said amendment strike out the words "or existing regulations" and insert "or by authority or direction of the collector of internal revenue or the United States marshal."

Mr. OVERMAN. That is verbiage where the bond required by the department is to be given. Now I ask for the adoption of the report.

The VICE PRESIDENT. The Chair will inquire whether the Senator from North Carolina has yet sent to the desk the report?

Mr. SMOOT. I suggest to the Senator from North Carolina that he make his explanation before the adoption of the conference report.

Mr. OVERMAN. The rule is first to adopt the report, and then I shall move to concur in the amendment of the House to the amendment of the Senate and to disagree to the other Senate amendments.

The VICE PRESIDENT. The Chair suggests that no report has yet been made.

Mr. OVERMAN. I send the report to the desk and ask for its adoption.

Mr. ASHURST. Mr. President, before any motion is made or question put on the adoption of the report I should like to inquire what has been the fate of the appropriation for the purpose of maintaining mints and assay offices in the West.

Mr. OVERMAN. That will come up after the reading of the report. I will explain it after the report has been read.

The VICE PRESIDENT. The Senator from North Carolina submits a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 9, 17, 18, 21, 22, 23, 26, 40, 43, 48, 51, 66, 73, 75, 80, 81, and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 12, 14, 16, 19, 20, 24, 34, 35, 37, 38, 39, 41, 42, 45, 46, 47, 49, 50, 52, 53, 55, 56, 57, 59, 60, 62, 63, 64, 65, 68, 70, 71, 72, 74, 76, 78, 79, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 98, 99, 101, 102, 103, 104, 105, and 106, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Boston, Mass., immigrant station: The authority to construct the immigration station at Boston, Mass., is transferred to the Treasury Department, together with the unexpended balances of appropriations heretofore made therefor, to be expended under the direction of the Secretary of the Treasury for the construction of said station within the existing limit of cost and under conditions of existing law."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all after the word "cost," in line 18 of said amendment down to and including the last line thereof, and insert the following: "not exceeding \$65,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Beginning in line 11 of said amendment, after the word "system," strike out all of the matter proposed up to and including the word "thereto" in line 13; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out the word "properly," in line 2 of said amendment, and insert in lieu thereof the word "necessarily"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 3 of said amendment in lieu of the sum "\$9,600" insert the sum "\$9,000," and in line 5 of said amendment in lieu of the sum "\$1,950" insert the sum "\$1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "\$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Add before the matter inserted by said amendment the following: "And the latter to be transferred to the district courts if not decided by the Commerce Court before December 1, 1913"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: After said amendment insert the following: "All furniture, carpets, and other property of the Commerce Court is turned over to the Department of Justice and the Attorney General is authorized to supply such portion thereof as in his judgment may be proper and necessary to the United States Board of Mediation and Conciliation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out of said amendment the word "appointment"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "twenty" and insert in lieu thereof "fourteen," and in line 7 of said amendment strike out "\$16,650" and insert in lieu thereof the sum "\$11,925"; and the Senate agree to the same.

The committee of conference have been unable to agree on amendments numbered 8, 10, 11, 27, 28, 29, 30, 31, 32, 33, 44, 61, 82, 93, 97, and 107.

THOMAS S. MARTIN,

LEE S. OVERMAN,

Managers on the part of the Senate.

JOHN J. FITZGERALD,

C. L. BARTLETT,

FREDK. H. GILETT,

Managers on the part of the House.

Mr. NELSON. Mr. President, was amendment numbered 61 agreed to as it is printed in the bill on page 37?

Mr. OVERMAN. Mr. President, we finally concurred in the Walsh-Nelson amendment. The House conferees insisted on the provision as it came from the other House; the conferees on the part of the Senate insisted on the Senate amendment; the conferees could not agree, and the matter was taken up upon the floor of the other House. The House then agreed to the Senate amendment known as the Walsh-Nelson amendment.

Let us first have the report adopted, Mr. President, and then I will make my statement. I move the adoption of the conference report.

Mr. POINDEXTER. Mr. President, I should like to inquire of the Senator from North Carolina what considerations induced the Senate conferees to recede on amendment No. 21, carrying out the law of March 4, 1913, authorizing the expenditure of \$5,000 for the preparation of designs and estimates for a national archives building in the city of Washington, D. C.

Mr. OVERMAN. Mr. President, the Senate and the House conferees could not come to an agreement on that matter, as well as on some other matters. The appropriation for the memorial bridge of \$25,000 was similarly situated. The House and the Senate had agreed to appoint a commission and to authorize an appropriation of \$25,000 for the preparation of designs for the memorial bridge, as they had also agreed to provide an appropriation for designs for a national archives building. The conferees on the part of the House of Representatives refused to agree to any of these propositions, saying that they could come in on a bill subsequently; that this bill was not the proper place for such appropriations, and that under the rules of the House, this being an urgent deficiency appropriation bill, they would not agree to those amendments. Of course, the Senate conferees insisted on all of those amendments; some of them were carried to the floor of the other House, and the House stood by their conferees on the matter.

Mr. POINDEXTER. Mr. President, I fail to understand the theory upon which all of these construction propositions, or measures for the construction of buildings or other structures, should be grouped together and treated as one whole, as if there were no distinction between them. I could readily understand that there might not be any emergency for the construction of a memorial bridge. I am in favor of it, but it is not an emergency. We have been trying for 25 years to get started upon a plan that would provide a fireproof building to preserve the invaluable records of the Government. We are having fires almost every few months which jeopardize millions of dollars' worth of records and documents which could not be replaced at all if they were destroyed, as, for instance, the fires which have occurred periodically in the Geological Survey Building—I think the last one burned up \$25,000 worth of documents, and very nearly burned up records and documents estimated to be worth \$2,000,000—and which are liable to occur any day. It is a very small item; and I fail to see why a distinction should not have been made between an appropriation of that kind, which would put this project in the way of fulfillment, and appropriations for other purposes not urgent or important.

Mr. OVERMAN. There really was no exception made, as I think the Senator from Washington will see if he will examine the bill. There is no question but that the Senator can hereafter get his proposition through, because the conferees on the part of the Senate were thoroughly in favor of it, and I think the House also favors it. I think there will be no trouble about getting a proposition for the purpose through in its proper place; but the conferees on the part of the other House did not think that it was an urgent deficiency. The only exception made, if it might be termed an exception, was with regard to the Red Cross Building. There was an emergency in that matter, as the Senator will appreciate without my going fully into the details here. The reason for that action was because certain persons, some of whom are very old, are going to subscribe large amounts to the society, and the society desires to get the money. If they are to get the money, something must be done for the Red Cross Society at once. That, however, was all thrashed out here on the floor; and, in a measure, while it looks to be an exception, it is an emergent matter. I think the Senator will find that is the only exception in the conference report. The House would not stand for any other exception. We endeavored to secure a complete agreement, though, in fact, we did not get an agreement, but broke up with a disagreement, and the bill was carried back to the other House. The amendments which I am going to discuss directly were taken up on the floor of the House; some of them were agreed to and some of them were disagreed to. The Senator's amendment providing an appropriation of \$5,000 for plans for an archives building went out; but I think it will be provided for in a few months, when there will be another appropriation bill.

Mr. POINDEXTER. Of course, that is what is always said in such cases. The Senator from North Carolina has just as much interest, I assume, in this amendment as I have.

Mr. OVERMAN. I am in full accord with the Senator, but I take the position the House takes, that it is not an emergency right now.

Mr. POINDEXTER. I differ from the House in that regard. I think if there are any emergencies contained in this bill, that is certainly one of them.

Mr. SHAFROTH. It is simply, however, to provide for plans for the construction of a building. It seems to me every building has to go through the same process, and it can not be considered an emergency. It may be an important thing, and necessary to be put through without loss of time under ordinary methods, but a deficiency bill is not presumed to cover matters of that kind.

Mr. POINDEXTER. It does cover them, and has from time immemorial covered them. Whether or not the provision for a public building is an emergency depends upon what the building is intended for. It might not be an emergency to provide for the building of a post office in some town that does not need a new post-office building, but, if the Senator were informed about the condition of the public records in this city, the manner in which they are kept, corded up like dry wood, in buildings that are not fireproof, being destroyed by moisture in some places and ruined by the accumulation of dust and by the manner in which they are stored in other places, the Senator would agree that it is an emergency measure to begin the plans for an adequate archives building to preserve those records of the Government.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Washington that I am in full accord with the idea expressed by him that there should be erected a national archives building. We all recognize the fact that that is absolutely necessary; but this bill is to supply urgent deficiencies. An appropriation for the purpose indicated by the Senator from Washington does not fall under the designation of a deficiency, and I myself believe that the House was perfectly right in disagreeing to the amendment. I wish to say to the Senator, however, that I have not the least doubt that an item covering this matter can be put into an appropriation bill at the regular session without any opposition either in the Senate or in the House. I have confidence in Congress that this action will be taken, because four or five cases within the last three or four years have demonstrated the fact that some of the most valuable records of the Government of the United States have been put in jeopardy for want of such a building.

Mr. POINDEXTER. Many of them can not be reproduced at all. They are invaluable, and you can not replace many of them.

Mr. SMOOT. It would be impossible to reproduce many of them, especially the records of the Geological Survey.

Mr. THOMAS. Mr. President, with the permission of the Senate—

Mr. POINDEXTER. I yield to the Senator from Colorado.

Mr. THOMAS. With the permission of the Senator from Washington, I should like to ask the Senator from Utah why he calls this an urgent deficiency bill? This bill was up for discussion some time ago, and I discovered the fact that it abolishes one of the courts of the United States, assumes to abolish two or three circuit judgeships; in addition to that, provides rules of procedure for our Federal courts, and during the expiring hours of the session, when the bill was considered, an amendment appropriating several hundred thousand dollars was tacked on to it for the purpose of constructing a Red Cross memorial. I am heartily in sympathy with the intention and purpose of the Congress to provide an appropriate home for the Red Cross Association, but I am not able to see or to understand how it can be SHAFROTH at the present time.

Mr. SHAFROTH. Mr. President, if the Senator will yield to me—

Mr. SMOOT. I can explain that to the Senator if he will yield to me a moment.

Mr. THOMAS. Certainly; perhaps I accompany my question with too much in the way of a statement.

Mr. SMOOT. The reason that the item referred to is an emergency matter at this time is that there are certain donations to be given to the Red Cross by men in this country who are very aged indeed.

Mr. SHAFROTH. One proposed donation is as much as \$100,000.

Mr. SMOOT. In one case it is more than \$100,000.

Mr. THOMAS. I think the Senator misunderstands my question. I concede that it is an emergency; but the Senator stated that this was an urgent deficiency bill, and I can not reconcile the position—

Mr. SMOOT. In answer to that I will call attention to the fact that the title of the bill is "A bill making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes."

Mr. THOMAS. In other words, the Senator has reference to the time for which the appropriations are made.

Mr. SMOOT. I also recognize the fact that there never has been a deficiency bill passed in Congress for years and years in which items have not been put upon it which never should have been.

Mr. THOMAS. Precisely.

Mr. SMOOT. And I simply rose to say that I agree with the House in this particular instance.

Mr. THOMAS. So do I.

Mr. SMOOT. I believe that it would be better policy for the Senate and the House to strike out appropriations that do not properly belong to the particular bill of which they are made a part.

Mr. THOMAS. So do I. But the difficulty—and it is a very serious one—is that a number of items always creep into bills of this kind which upon their merits never could secure the sanction of Congress. In other words, these bills are made the vehicles for an immense amount of mislegislation and for misappropriation of money, by which I mean appropriations which upon their merits would not secure the votes of a majority of the Members of the Senate and of the House of Representatives.

Mr. OVERMAN. Will the Senator yield to me there?

Mr. THOMAS. Certainly.

Mr. OVERMAN. I want to say to the Senator from Colorado that your committee did not let anything not properly belonging to the bill creep into it. This amendment was turned down by the Senate Committee on Appropriations. It was, however, put upon the bill on the floor of the Senate, as the Senate had a right to do, although in so doing it did not follow the recommendations of the committee. Then the matter went over to the House, and the bill was sent to conference. There was a disagreement between the conferees on the ground that the amendment had no right to be on this bill, and yet when the matter was taken before the House that body stood by the action of the Senate, so that the incorporation of this provision in the bill is the action of the lawmaking body and not of the committee.

Mr. THOMAS. My criticism is not directed against the committee at all.

Mr. OVERMAN. I understand the Senator.

Mr. THOMAS. But it is against that practice of logrolling, which has become a custom that ought to be "more honored in the breach than the observance," under and by means of which urgent deficiency bills and other bills which have a title reciting the purpose—I might say an ostensible purpose—for which they are introduced are repeatedly made general appropriation bills and bills embodying general legislation; in fact, in some instances it is impossible to determine by the title of a bill what it is about, and you are apt to find everything in the bill except something covered properly by the title.

While I am on my feet I want to call attention to another matter that is extremely emergent, which the House did not see fit to legislate upon favorably and which ought to go into this bill. The last general Indian appropriation act contains an appropriation of \$50,000, the purpose of which is to enable the Indian Bureau to ascertain the heirs of certain deceased Indian allottees pursuant to the act of June 25, 1910. That is one of the most important subjects, Mr. President, in which the Indian Bureau should immediately interest itself. I am informed that somewhere in the neighborhood of \$60,000,000 worth of property is involved in the investigation. The Indian Bureau is prepared to go ahead with this work immediately, but it asks for an allotment of \$10,000 of the \$50,000, and requests that it be made immediately available for this purpose. The Senate was willing that it should be done, but the House has not given its consent thereto. There is an emergency that is most exigent, and one which, if emergencies are to be the test of the contents of this bill, certainly appeals to me with as much, if not more, force than anything else the bill ought to contain, but which is outside and beyond it. The commissioner informs me that with this money he can easily put his force at work and begin the investigation of the titles to these properties, which as every day passes become more and more difficult and obscure.

Mr. OVERMAN. Mr. President, I will say to the Senator from Colorado that the conferees on the part of the Senate of course insisted on the Senate amendments. The House conferees said it would be only a short time before what is known as the legislative appropriation bill would come up, and all these matters could be put on that bill. In other words, we must have some system. Representatives of the Land Office, the Treasury Department, and every other department of the Government came before the committee and asked for appropriations to carry out certain things, for the employment of more

men to do this and to do that. We had to say to them, "Your estimates will be made on the 1st of December for all of these things. There is a legislative appropriation bill, there is a sundry civil appropriation bill, and there are half a dozen other appropriation bills. These matters can wait two or three months. Do not let us crowd these things into this bill. If we put on this bill matters for the Indian Office, we will have to put on matters for the Land Office, for the Department of Justice, for the Treasury Department, and so on. Let each department come and make its estimates at the regular time and let us have some system about this matter. Great appropriation bills, carrying millions of dollars, will be considered here in December, and that is the time to do it."

There is something in that. Surely these departments can wait a few months. In other words, we appropriated here in July millions of dollars for all of these departments. They really have no deficiency. If they can not do the work with the amount they have, they will come forward with a deficiency later on. Only three months of the year have gone by.

Mr. THOMAS. I quite agree that there should be some system in these appropriation bills, but what I am complaining of is that there is no system. Emergencies and deficiencies seem to be intermingled; some emergencies are recognized, and other emergencies are excluded. There is a great deal more necessity for the immediate availability of this appropriation for the examination of the titles of Indian allottees than there can be for a memorial building. The same argument applies to the one that applies to the other.

If the Senate would cut out all of these emergencies and confine this bill to its appropriate purpose and legislate only with reference to deficiencies, then, of course, there would be not only some system but a rule of common sense, which would have the added virtue of excluding a vast number of appropriations that have no merit in themselves. If emergencies are going to be considered, however, I wish to urge that this is an emergency upon which the Senate should insist when the conference report comes up for final approval or rejection.

Mr. MYERS. Mr. President, I am advised that the matter which has just been described by the Senator from Colorado is an emergency of the very greatest gravity. I am informed by the Commissioner of Indian Affairs that the sum of \$150,000 has been appropriated heretofore for field work in these Indian heirship cases and the examination of titles and the insignificant sum of \$10,000 for office work has been stricken out. If we can not have some office force to keep up with the field work, there is absolutely no use in expending the \$150,000 for field work. It is a monstrosity, an absurdity, to go ahead and expend the sum of \$150,000 for field work and have no money for the office end of it, to keep track and make a record of what the men are doing in the field.

Mr. OVERMAN. Mr. President, let me say to the Senator that last July we appropriated all the money asked for by the department.

Mr. MYERS. Yes; but not by this administration.

Mr. OVERMAN. This administration comes in, after we have given the department the amount of the estimate, and says there is an emergency here, three months after we have appropriated millions of dollars for this department. Here is a new administration coming to us before we are ready for an appropriation bill and asking for \$120,000 in an urgent deficiency bill.

It does not look right for these men to come in here asking for these appropriations at this time. This is not the time for it. If they are Democrats, I say they have come at an inopportune time.

Mr. MYERS. But does not everybody make mistakes at times, and are not mistakes likely to occur in these estimates?

Mr. OVERMAN. I am not talking about mistakes. It has been only three months since we passed the great legislative appropriation bill. The estimates were made up by the heads of the departments, the Secretary of the Treasury, and the President, and we passed the appropriation bill three months ago and gave them what they wanted. Six months from now we are to have another great appropriation bill for the next fiscal year. In the meantime, when only three months have gone by, here comes a department asking for \$120,000 more. This is not the time to make the appropriation.

I did not want to say that, but I am forced to do it. They come here and ask for these great appropriations in the meantime, when we shall be making appropriations regularly only a few months hence.

Mr. MYERS. Notwithstanding all that, Mr. President, I insist that this \$10,000 is of very great importance to the Western States, and that it is a matter of emergency and urgency and deficiency.

Mr. OVERMAN. Does the Senator know how much we gave these people in the last appropriation bill, just a few months ago?

Mr. MYERS. For clerical work?

Mr. OVERMAN. Yes.

Mr. MYERS. No; I do not.

Mr. OVERMAN. Three hundred and ten thousand dollars.

Mr. MYERS. Well, it takes some money to run the Government.

Mr. OVERMAN. We gave them every dollar they asked for. We will have an estimate for more money on the 1st of next July, and in the meantime they want \$120,000 after the lapse of three months. Why, Mr. President, we can not stand for that.

Mr. MYERS. They need some more now.

Mr. OVERMAN. They have all the clerical force they asked for. I do not think they ought to come in here at this time and ask for these great appropriations.

Mr. MYERS. If the committee can not stand for it, I appeal to the Senate to stand for it. I believe there is merit in it.

Mr. LANE. Mr. President, I wish to ask a question for information. I do not understand that the officials of the department are asking for any appropriation at all. I understand they are asking that \$10,000 of the total sum which has been appropriated for the purpose of determining the heirs of deceased Indian allottees may be set aside for office help, to keep the office at work. They are simply asking for \$10,000 out of the appropriation already made, according to my understanding.

Mr. OVERMAN. We gave them \$310,000 in the last appropriation bill for clerical force in this department.

Mr. LANE. Not for this particular line of work.

Mr. OVERMAN. Yes; for clerks in that department and all of these departments. It was a lump appropriation. They can use that \$310,000. I will say to the Senator that only three months of this fiscal year have gone by. If the head of this department has a deficiency and has not enough money, he can come and ask for it in the next deficiency bill. We will have another deficiency bill before long.

Senators will understand that we have appropriated \$310,000 for this office, beginning with the 1st of July. July, August, and September have gone by, and part of October; and they have a total of \$310,000. Suppose they have not enough money. Along in the spring we will have another deficiency bill, and the head of the department can come in at that time if he is behind and ask for more money.

I think the trouble is that these new officers who are coming in do not exactly understand that they have only run for three months of the fiscal year; and while they want more money, and perhaps need more money, this is not the time to get it and not the place to get it.

Mr. LANE. I understand that; but I should like to say, for the Senator's information, that my understanding is that they are not asking for one cent—not a penny. All they are asking for is the authority to use \$10,000 of this money for carrying on the clerical work of the office. In other words, you provide them with plenty of money, but do not give them the power to expend it in a way in which they need to expend it.

Mr. OVERMAN. In response to demands from the Senator from Montana [Mr. MYERS], who was very urgent about this, and the Senator from Oregon [Mr. LANE], the Senate agreed to it; but we can not make the House of Representatives agree to it, and they will not agree to it for the very reason I have stated. If the Senate now insists on it, the House will never agree to it.

Mr. MYERS. I am informed that the House Committee on Appropriations are willing to agree to it now if we will only give them an opportunity.

Mr. OVERMAN. Willing to do it, when the conferees on the part of the Senate have been contending and contesting with them all the time?

Mr. MYERS. They want another chance, I understand.

Mr. OVERMAN. Why, they had a chance on Saturday. That was the time when they disagreed to the Senate amendment. The Senate conferees insisted on it.

Mr. LANE. Mr. President, the statement I made was intended to correct the impression that the officials of the department were asking for additional money, when, as I understand the facts, they are asking for permission to use money already appropriated in a manner which is necessary in order properly to expend the appropriation. I simply wished to make that statement.

Mr. CLAPP. Mr. President, without criticizing the conferees, because I have no doubt they did the best they could, I wish to say that the Senator from Oregon is correct. This is not an additional appropriation. After the Indian appropriation bill

passed, providing for some service with reference to determining these heirships, it was thought necessary, and I think it was, that the office should be permitted to use this particular amount for this purpose out of the \$50,000 appropriated by the Indian appropriation bill.

The Senator from Oregon is right, although I do not share in any reflections upon the conferees. I have no doubt, of course, that they did all they could.

Mr. SMOOT. Mr. President, I think that is correct; but it seems to me the only object of the amendment is to authorize the employment of eight additional clerks at \$1,200 a year. In the Indian appropriation bill we made an appropriation of \$50,000 for field service; and at the end of the year we will find, perhaps, an additional amount asked for in the next urgent deficiency bill. I think the House is perfectly right in not agreeing to this amendment.

Mr. CLAPP. I do not think that reflection on the office should be permitted to stand unchallenged. We made additional work for the department in the Indian bill; and it was understood then that we would try to secure for the office, out of the \$50,000 appropriated for field work, pay for these clerks whose work would have to be done in the office instead of in the field. The department, I think, was perfectly justified in making the request.

Mr. SMOOT. Mr. President, I have no desire whatever to cast any reflection on the department.

Mr. CLAPP. No; I know that.

Mr. SMOOT. But I do wish to say that wherever temporary clerks have been put in a department, and a special act has been passed appropriating money for those particular temporary clerks, my experience has been that they thereafter remain in the department.

Mr. CLAPP. That may be; but instead of all the work we imposed being field work, part of it had to be office work; and it involved additional labor and the necessity for some additional clerks.

Mr. OVERMAN. Mr. President, the Senator understands about these matters. These officials asked for \$50,000 for field work. We gave it to them.

Mr. CLAPP. I know we did.

Mr. OVERMAN. Now, three months after that they say, "We want 12 more clerks up here, and we want to take the money to pay them out of this \$50,000 for a temporary purpose."

What are they going to do with that amount of money? They wanted it for field work—to do work out in the field. We gave it to them, and they will come back next time, the Senator understands, with a deficiency, saying that that \$50,000 was used in the office. If the Senator were on the Appropriations Committee, he would understand this—and he does. He has been on many committees.

Mr. CLAPP. Mr. President, I am not finding fault with the conferees, but I do think we have fallen into the habit of criticizing the departments too readily. The \$50,000 was appropriated for field work and could not be used for clerk hire in the office. We required certain work to be done in the office, and it was the suggestion of the committee that payment for it be made out of the \$50,000. It was part of the same general purpose of settling these heirships, but it could not be taken out of the \$50,000 without specific authority. The department was justified in asking for it under the circumstances.

That is all I am discussing. I expressly disclaimed any criticism upon the conferees in this matter, because there is no question that they did the best they could.

The VICE PRESIDENT. The question is on agreeing to the report of the conference committee.

The report was agreed to.

Mr. OVERMAN. I ask that the Senate concur in the House amendments to the Senate amendments.

Mr. BURTON. Mr. President, I should like a separate vote on those amendments. No. 8, I believe, is the first.

The VICE PRESIDENT. The question is on agreeing to the House amendment to Senate amendment numbered 8.

Mr. BURTON. I wish to be heard on that.

According to the amendment as it appears on page 2 of the bill, amendment No. 8 as adopted by the Senate provides:

That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or existing regulations to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an act of Congress entitled—

and so forth.

That is changed by this proposed House amendment so as to make it much more comprehensive. The words "existing regulations" are stricken out, and in place thereof the words "or

by authority or direction of the collector of internal revenue or the United States marshal" are inserted.

Mr. NORRIS. Mr. President, I should like to inquire of the Senator the number of the line he refers to, and just what the change is in the Senate amendment.

Mr. BURTON. It is in line 21, page 2. As it appeared when adopted by the Senate, wherever a bond was required for a deputy in a United States marshal's office, or in the office of a collector of internal revenue, by existing regulations—

Mr. NORRIS. What is the language that is stricken out by the House amendment?

Mr. BURTON. The words "or existing regulations."

Mr. NORRIS. Is that the only change that is made?

Mr. BURTON. And in lieu thereof these words are substituted:

Or by authority or direction of the collector of internal revenue or the United States marshal.

Mr. NORRIS. Where does the Senator get those words?

Mr. BURTON. They are found on page 6181 of the Record, in the discussion for Friday, in the second column.

Mr. NORRIS. That is what I was hunting for.

Mr. BURTON. That is, whether or not a bond is required by existing regulations or by law, the collector of internal revenue or the United States marshal may order that a bond shall be given. That is, he can make a regulation, he can make a law, applicable to this appointment where none now exists; and in covert form what was already too sweeping, and what was already a violation of the letter and spirit of the civil-service law, is rendered much broader.

I wish to call attention to another feature of this report. When this amendment was proposed here, it was argued most strenuously that it was in order because it reduced expenses. I am unable to accept the ruling of the Chair upon that matter as in accordance with parliamentary law, but it has been made. It has been twice made—in the Committee of the Whole and in the Senate. I trust, however, that it will not be adopted as a precedent in the future.

But let us see. It was said that this amendment was in order because it reduced the amount in line 14 from \$30,000 to \$25,000, the amount in line 17 from \$9,000 to \$4,000, and the amount in line 17 from \$39,000 to \$29,000. It was asserted with great earnestness that there would be a saving of \$20,000, and that was the plausible excuse for so vital a change in the law. But how does this come back to us from the conference committee? With every one of those amendments nonconcurring in. The \$25,000 is restored to \$30,000; the \$4,000 to \$9,000; the \$29,000 to \$39,000; so that which was made the reason for this amendment has disappeared entirely. I suppose we could not say the reason for the amendment having failed the amendment itself fails. It has gone too far for that.

But, Mr. President, I am decidedly opposed to this amendment. I shall ask for a ye-a-and-nay vote on it.

The VICE PRESIDENT. The Senator from Ohio demands the yeas and nays on the motion to concur in the amendment of the House to the amendment of the Senate.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. MYERS (when his name was called). I ask if the Senator from Connecticut [Mr. McLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. Unless he appears and votes, as I am paired with that Senator, I will withhold my vote.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], and in his absence withhold my vote.

Mr. THORNTON (when Mr. RANDELL's name was called). I announce the necessary absence of my colleague [Mr. RANDELL]. I ask that this announcement may stand for the day.

Mr. SHAFROTH (when his name was called). I have a pair with the junior Senator from California [Mr. WORKS], and on that account I withhold my vote, unless I find that my vote is necessary to constitute a quorum.

Mr. STERLING (when his name was called). I have a pair with the senior Senator from Nevada [Mr. NEWLANDS]. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer that pair to the junior Senator from Virginia [Mr. SWANSON] and vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE]. I under-

stand that he is absent. I transfer that pair to the Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. In his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Maine [Mr. JOHNSON] and vote "yea."

The roll call was concluded.

Mr. WEEKS. I will state that my colleague [Mr. LODGE] is absent from the Senate on account of business and that the junior Senator from Illinois [Mr. SHERMAN] is absent on account of important business. I will let those statements stand for the day.

Mr. TILLMAN. I am paired with the Senator from Wisconsin [Mr. STEPHENSON], but am at liberty to vote to make a quorum. I vote "yea."

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. RANDELL] and vote "yea."

Mr. SHAFROTH. I transfer my pair with the junior Senator from California [Mr. WORKS] to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. REED (after having voted in the affirmative). When my name was called I voted, forgetful of the fact that my pair, the Senator from Michigan [Mr. SMITH], is absent from the city. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the affirmative). I had arranged a transfer of my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Oklahoma [Mr. GORE], and I voted without mentioning it. I desire to announce that transfer now, and will let my vote stand.

Mr. OVERMAN. I wish to state that I have a general pair with the senior Senator from California [Mr. PERKINS]. Before he left he sent for me and authorized me to vote whenever I saw fit, especially on this appropriation bill, he being a member of the committee and one of the conferees.

Mr. SHEPPARD. My colleague [Mr. CULBERSON] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. WALSH. I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. MYERS. Understanding that a quorum has not voted, under my agreement with my pair, the Senator from Connecticut [Mr. McLEAN], I believe I am justified in voting, for the purpose of making a quorum. I vote "yea."

The result was announced, yeas 31, nays 18, as follows:

YEAS—31.

Ashurst	James	Reed	Thomas
Bacon	Lewis	Shafroth	Thompson
Bankhead	Martin, Va.	Sheppard	Thornton
Bryan	Martine, N. J.	Simmons	Tillman
Chamberlain	Myers	Smith, Ariz.	Vardaman
Fletcher	Overman	Smith, Ga.	Walsh
Hitchcock	Owen	Smith, Md.	Williams
Hollis	Pomerene	Stone	

NAYS—18.

Brady	Gronna	Nelson	Sterling
Bristow	Hughes	Norris	Sutherland
Burton	La Follette	Page	Weeks
Clapp	Lane	Polindexter	
Cummins	McCumber	Smoot	

NOT VOTING—46.

Borah	du Pont	Lodge	Sherman
Bradley	Fall	McLean	Shields
randegee	Gallinger	Newlands	Shively
Burleigh	Goff	O'Gorman	Smith, Mich.
Catron	Gore	Oliver	Smith, S. C.
Chilton	Jackson	Penrose	Stephenson
Clark, Wyo.	Johnson	Perkins	Swanson
Clarke, Ark.	Jones	Pittman	Townsend
Colt	Kenyon	Ransdell	Warren
Crawford	Kern	Robinson	Works
Culbertson	Lea	Root	
Dillingham	Lippitt	Saulsbury	

So the amendment of the House to the amendment of the Senate No. 8 was concurred in.

Mr. OVERMAN. I move that the Senate concur in amendment of the House to the amendment of the Senate numbered 107.

Mr. SUTHERLAND. Before that motion is put I should like to ask the Senator from North Carolina what was done with amendments 62 and 63, on page 37 of the Senate print?

Mr. OVERMAN. The House receded and those amendments have been concurred in in the report.

Mr. SUTHERLAND. I should like to say to the Senator from North Carolina that as I read the amendments a good deal

of confusion is likely to result, particularly from amendment No. 63. The provision as it came from the House was that "the venue of any suit hereafter brought to enforce, suspend, or set aside, in whole or in part, any order of the Interstate Commerce Commission shall be in the judicial district"—

Mr. OVERMAN. I can not understand what the Senator is reading from. Is he reading from page 3763 of the RECORD?

Mr. SUTHERLAND. I am reading from the Senate print of the bill, page 37.

Mr. OVERMAN. The Senator is reading beginning in line 13?

Mr. SUTHERLAND. Beginning in line 13.

Mr. OVERMAN. If the Senator pleases, these amendments, I think, were recommended by the Attorney General, and we put them on in the Senate and the House agreed to them.

Mr. SUTHERLAND. I am not prepared to discuss the question as to whether the House provision was wise or whether it should not have been amended as evidently it was intended to be amended, but I think that amendment No. 63 is quite likely to introduce an element of confusion into the matter. Let me finish the reading of the provision from the House, continuing at the point where I was interrupted:

Where some or all of the transportation covered by the order has either its origin or destination, except that where the order does not relate to transportation, the venue shall be in the district where the matter complained of in the petition before the commission arises.

That is understandable, at any rate, and it is enforceable, at any rate. But the Senate introduced, after the word "transportation," the words "or is not made upon the petition of any party," so that in all cases where the order is not made upon the petition of any party the exception which was introduced by the House, "except that where the order does not relate to transportation," does not apply. In other words, where the order is not made upon the petition of any party, but relates to transportation, the venue shall be in the district where the matter complained of in the petition before the commission arises.

Now, a matter relating to transportation may arise in more than one district. For example, articles being transported from Omaha to San Francisco are in transportation through several States, therefore through several Federal judicial districts, and that particular matter will not arise in any particular district, but will arise in several districts; and when you have that kind of a case you have one that will not come within the provision of your law. I do not know whether I make the matter clear or not.

Mr. OVERMAN. I think the Senator is clear about that, and I think probably there ought to be an amendment, but it is now too late to do anything, because we have agreed to the conference report. That is settled, as far as this bill is concerned.

Mr. CLAPP. But we can reconsider the vote.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. WALSH. It does not occur to me that the provision needs any further amendment. In any case, the provision to which our attention is now directed by the Senator was in the bill when it came from the House. The Senate acceded to that provision of the bill and added a provision of its own. No question has ever been raised up to the present time touching the feature of the bill to which the Senator from Utah adverts, and it would seem as though the time had quite gone by when any amendment to the bill affecting that particular clause could be properly considered.

I desire to say in this connection, however, it does not occur to me that any difficulty at all will arise under circumstances such as are mentioned by the Senator. If, indeed, the subject does arise in two or three different States, obviously the venue will be in any one of the States in which the proceeding may be begun; that is to say, if the matter does not relate to transportation or "is not made upon the petition of any party," and it should arise in the States of Utah, Wyoming, and Nebraska, for instance, it seems to me the venue could be laid in any one of those three States.

Mr. SUTHERLAND. I am not at all certain that that is so.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SUTHERLAND. In just a moment. The original House provision, beginning in line 15, reads:

Shall be in the judicial district where some or all of the transportation covered by the order has either its origin or destination—showing that the House evidently considered that it was necessary, if it was desired to put the venue in any one of several districts, to say so, because they say, "where some or all of the transportation covered" had its origin.

The element of confusion, as I understand it, is introduced by the Senate amendment, which alters the sense of the original House provision, and with that amendment it provides, in substance, that in some cases which relate to transportation the venue shall be in the district where the matter complained of in the petition arose.

Mr. WALSH. I desire to say to the Senator from Utah in explanation of the Senate amendment, because my recollection is he was not here at the time, that it was suggested upon the consideration that under the provision of the bill as it came from the other House the carrier, who under all ordinary circumstances would be the party who would appeal to the court for relief from any order that was made by the Interstate Commerce Commission, would have an option to lay the venue either in the State in which the transportation originated or in the State in which it terminated, notwithstanding the petitioners would be confined to only the one State; in other words, it was not intended to give an option to the carrier to select the venue as his own interests might seem to dictate, but to fix it definitely in the place where was the residence of the petitioners who gave rise to the proceedings in the first place.

Mr. SUTHERLAND. Mr. President, I do not care to pursue that matter further; it has probably passed beyond the stage where we can help it, but I—

Mr. POINDEXTER. Mr. President, before the Senator from Utah leaves that subject, I think he ought to call attention also to the confusion which is involved in the statement of the class of actions, being those which do not relate to transportation, and cases that do not come up on the petition of any party. Then the language fixes the venue of that class of cases by reference to a matter complained of in the petition before the commission.

Mr. SUTHERLAND. I was just going to call attention to that.

Mr. POINDEXTER. The matter complained of in the petition before the commission is described as that in which there is no petition.

Furthermore, I make this further suggestion: It seems to me if there is any possibility of revising the form of this provision, it ought to be borne in mind. The language goes on to add another class:

And except that where the order does not relate either to transportation or to a matter so complained of before the commission—

That is exactly the same class that was described in the previous phrase where the number "63" occurs—

where the order does not relate to transportation or is not made upon the petition of any party.

That is the same class of cases. Then it goes on to say:

And except that where the order does not relate either to transportation or to a matter so complained of—

That is, upon the petition of the party—

the matter covered by the order shall be deemed to arise in the district where one of the petitioners in court has either its principal office or its principal operating office.

The language is absolutely conflicting and almost impossible of construction so as to be consistent or coherent.

Mr. SUTHERLAND. I was about to call attention to the very thing of which the Senator from Washington has spoken. The whole trouble arises from the introduction by the Senate of the amendment. If the Senate had let the House amendment alone, the trouble could not have arisen. The Senate amendment is:

Or is not made upon the petition of any party—

Having already provided substantively with reference to cases which do not arise upon any petition at all, then it is provided that—

the venue shall be in the district where the matter complained of in the petition before the commission arises.

It is an absolute contradiction in terms. Provision is first made for a case in which there is no petition at all, and then the venue is to be tested by a petition which does not exist.

Mr. WALSH. Mr. President, I think the Senator is quite in error about that. It is the petition of a party. Every proceeding is commenced upon petition or it is initiated by the commission itself. Of course there has got to be some kind of a proceeding; some kind of a basis for it.

Mr. SUTHERLAND. How can there be a petition without a party to the petition?

Mr. WALSH. Because the Interstate Commerce Commission itself may institute proceedings before the Interstate Commerce Commission. Then it is not made on petition.

Mr. SUTHERLAND. Not on petition, certainly. The Interstate Commerce Commission does not petition itself.

Mr. WALSH. The word "petition" there, I apprehend, does not necessarily imply a prayer, because the term, as the Senator from Utah well knows, is frequently used to signify the declaration of complaint on original proceedings in any cause.

Mr. SUTHERLAND. If a matter comes before a commission or before a court upon a motion of the body itself, certainly that matter does not arise by petition; it is a matter that is brought up on the motion of the court or by the commission. When we speak of a petition, we necessarily imply the petition of somebody, and that somebody is a party. Then we provide that in cases of that kind, which do not arise upon petition, the petition, which does not exist, shall govern the matter of venue.

Mr. OVERMAN. Mr. President, there is no question upon this. It is already agreed to. I move—

Mr. SUTHERLAND. I should like to ask the Senator from North Carolina whether it would be possible to reconsider the vote by which amendment numbered 63 was agreed to?

Mr. OVERMAN. No, Mr. President; because the matter has been in conference; it has been agreed to by the House of Representatives, and it is out of our hands. This can be corrected by future legislation if there is any trouble about it, but it can not be now corrected here. It has passed beyond that stage. The language was not put in the bill on the floor of the Senate, but it came from the other body.

Mr. CLAPP. While it may be better to let the matter go, to be subsequently corrected, I would not want to sit in the Chamber and be estopped by a declaration that a motion for the adoption of a conference report is no less subject to reconsideration in this body than any other motion, though I quite agree with the Senator from North Carolina that perhaps, in view of the situation, it is better to let this go now and correct it by subsequent legislation.

Mr. MARTIN of Virginia. Mr. President, while there is some little confusion in the language, I do not think there will be any trouble in the proper court taking jurisdiction. I do not believe, as a matter of practice, in the interpretation of this law and its enforcement that there can be any difficulty about the court taking jurisdiction and placing the venue in the place where the matter arose. Although it was not supported by a petition, the court would not be deterred by the inaccurate use of that language without explanation to forego a jurisdiction manifestly intended to be vested in it.

My own judgment is that it will not lead to any serious disturbance in the administration of this law; but, granted, we are really consuming time unnecessarily. It is impossible for us to correct this matter now. If this bill were to go back to conference we would be confronted with difficulties. I have no idea that there is a quorum of the House of Representatives in the city of Washington, and it would be absolutely futile for us to throw this bill back into conference unless we intend to indefinitely postpone it.

Mr. SUTHERLAND. Let me ask the Senator from Virginia this question: He thinks it is a matter that would be easily taken care of. The language of the provision now is that where the order "is not made upon the petition of any party the venue shall be in the district where the matter complained of in the petition before the commission arises."

Mr. MARTIN of Virginia. I think—

Mr. SUTHERLAND. Just a moment. That is the test of jurisdiction or of venue. Let me ask the Senator this question: Suppose that an order is made hereafter not upon the petition of any party, where is the venue of that order?

Mr. MARTIN of Virginia. It will be held where the cause of action arose under it.

Mr. SUTHERLAND. Oh, no; it does not say so.

Mr. MARTIN of Virginia. I think that is the way the court would interpret it.

Mr. SUTHERLAND. Where does the Senator find that provision?

Mr. MARTIN of Virginia. That is, if the court treated the language "in the petition" as having been obliterated, as having no intelligent application to the case, they would place the venue where the cause of action arose.

Mr. SUTHERLAND. But this is an exception, and it must be tested by its own provision. That exception is that where the order "is not made upon the petition of any party the venue shall be in the district where the matter complained of in the petition"—which does not exist—"before the commission arises."

Mr. MARTIN of Virginia. My interpretation of the provision, that when the order does not relate to transportation or is not made upon the petition of any party the venue shall be in the district where the matter complained of in the petition before the commission arises, is that they will treat it as if the words

"complained of in the petition" were omitted from the statute entirely.

Mr. POINDEXTER. Mr. President—

Mr. MARTIN of Virginia. The court would treat it in fixing the venue as if those words were omitted from the statute, because they can not be controlling, they can not be pertinent, when no petition has been filed. Therefore the court would treat those words as omitted and fix the venue in the place where the matter complained of arose. I do not believe that there will be the slightest difficulty in the way of the court in giving an interpretation that would fix the jurisdiction exactly as the statute intended it to be fixed. It is a little—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. In one moment I will yield to the Senator.

It is a little inaccurately expressed; there is a little confusion in the language; I can not undertake to gainsay that; but I believe it is a confusion for which the courts would readily find relief.

Now, I will say to the Senator from Washington that I was occupying the floor by the courtesy of the Senator from Utah [Mr. SUTHERLAND].

Mr. POINDEXTER. If the Senator from Utah will allow me, before the Senator from Virginia takes his seat I will say that I know courts frequently do relieve statutes of patent inconsistencies by disregarding certain words which have no meaning when the statute can not be construed without such action. The sentence which the Senator has read, it is true, might be so construed; but how would the Senator relieve the embarrassment which comes up in the next phrase, which not only includes a word which is without meaning but states an exactly opposite and contrary venue? The phrase which the Senator has just discussed fixes the venue in the district where the matter arises, if we leave out the words which the Senator says a court will leave out. The next one fixes it in the same class of cases upon an entirely different rule, namely, in the district "where one of the petitioners in court has either its principal office or its principal operating office"—an exactly opposite rule in the same class of cases. The fact of the case is, there is no occasion at all to have that clause in the statute. It merely repeats a statement of the same class of cases and provides a different venue for them. I would state, merely by way of suggestion, for there is apparently no way of correcting it now, that the provision would be cleared up if you would strike out entirely the words "complained of in the petition before the commission," and then strike out further, beginning with the word "and," in line 23, the remainder of that line, all of lines 24 and 25, and lines 1 and 2 on page 38, down to the word "office," and including that word in line 3 on page 38. With those words stricken out the provision would be complete and would be perfectly clear.

Mr. MARTIN of Virginia. The trouble is that the bill is not in the stage—

Mr. POINDEXTER. If the Senator will allow me to complete my sentence—that would cover every possible case. In the first place, in those cases which arise upon petition the venue would be in the district in which the petitioner resided upon whose petition the order was made, and in those cases which do not relate to transportation and are not brought upon petition the venue would be where the cause of action arises.

Mr. BORAH. Mr. President, I agree with the suggestion of the Senator from Utah [Mr. SUTHERLAND] as to what might be called the ambiguous or unfortunate use of the words referred to, but I am inclined to agree with the Senator from Virginia [Mr. MARTIN] as to the manner in which the court would construe the provision. The provision reads:

Or is not made upon the petition of any party, the venue shall be in the district where the matter complained of in the petition before the commission arises.

The words "in the petition" are, of course, in a sense merely explanatory of the complaint. There might not be a technical petition, and yet in contemplation of law there would be a petition in whatever form a matter arose before the commission, and it seems to me that the court would not have very much difficulty in arriving at the conclusion that what Congress intended in its unfortunate use perhaps of the language was that the venue should rest where the subject matter complained of arose. I think that would be the construction of it.

Now, as to the suggestion which has been made by the Senator from Washington [Mr. POINDEXTER]. I do not exactly catch his suggestion, but the provision goes on to say:

And except that where the order does not relate either to transportation or to a matter so complained of before the commission—

If it arose out of a proposition covered by neither one of those expressions, then—

the matter covered by the order shall be deemed to arise in the district where one of the petitioners in court has either its principal office or its operating office.

Does not the Senator from Washington think that that covers a venue which is not covered by the other propositions at all, because one of the others relates alone to transportation and the other to the matter complained of; but when neither matter is covered; that is to say, where the matter before the commission relates neither to transportation nor the matter complained of, the venue shall be at the principal place of business.

Mr. POINDEXTER. Mr. President, it seems to me that it describes the same class of cases described in the clause immediately preceding. I do not see how a matter could be complained of before the commission unless it is complained of by petition, and in all that class of cases where complaint is made by petition and where it relates to transportation the venue is stated in amendment No. 62. Where it is not complained of by petition and does not relate to transportation the venue is stated in amendment 63. They cover all cases, but a third venue is stated for the same class of cases.

Mr. WALSH. Mr. President, I want to add just a word with respect to this discussion. The significance of the language is to be determined in connection with the proceedings before the Interstate Commerce Commission. Those proceedings belong to two classes. One class are proceedings that are initiated upon the petition of a party; the other class are proceedings that are initiated by the Interstate Commerce Commission itself. The language was intended to cover the venue of both of those classes.

The first provision covers the cases in proceedings initiated upon the petition of a party in relation to transportation, while the other is intended to cover the cases in proceedings initiated by the commission itself and not brought by any party at all. When the commission itself initiates proceedings it does so upon some foundation, some charge, some writing. That may not be properly denominated by the word "petition," but no one doubts what the significance of the word there is. Exactly the same difficulty would arise if you should cut out the words "of the petition" and should say that "the venue shall be where the matter complained of arose," but inasmuch as no one has filed any technical complaint you might say that the matter is not complained of. Of course if you give an exceeding technical meaning to the language there could be no complaint without a party who is complaining, and yet the word "petition" is frequently used—and used in many of the code States—simply to designate the initial pleading upon which proceedings are instituted, and that is undoubtedly what it means here.

Mr. SUTHERLAND. Mr. President, it may be that the courts will come to relieve this situation and straighten out this matter. As has been said by the chairman of the committee, the matter has passed the point where this body can do anything about it; but I can not let the matter be finally disposed of without saying that it is a piece of exceedingly loose legislation. It is so unhappily worded and there is so much confusion in it that a responsible legislative body like the Senate of the United States ought to be ashamed to let it go upon the statute books.

Mr. OVERMAN. I will say to the Senator that if he feels that way about it it is his duty as a Member of the Senate to introduce a resolution to correct it. It can be done in that way.

Mr. CUMMINS. Mr. President, May I ask the Senator from North Carolina whether amendment No. 61 has passed beyond consideration here?

Mr. OVERMAN. Yes. Does the Senator wish to know what has been done with that amendment?

Mr. CUMMINS. I should like to know.

Mr. OVERMAN. The House agreed to the Senate amendment introduced by the Senator from Montana [Mr. WALSH], which struck out those lines.

Mr. CUMMINS. So it has really gone beyond the jurisdiction of the Senate?

Mr. OVERMAN. Yes.

Mr. MARTIN of Virginia. Absolutely.

Mr. CUMMINS. I desire to call the attention of the Senator from North Carolina to some inaptness in that amendment. I read:

Nothing herein contained shall be deemed to affect the tenure of any of the judges now acting as circuit judges by appointment under the terms of said act.

These judges are not acting as circuit judges. They are circuit judges, and were so appointed definitely by authority of the statute.

Again, it says:

But such judges shall continue to act under assignment, as in the said act provided, as judges of the district courts.

They are not assigned to act as judges of the district courts. The statute says that they—

Shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit.

Mr. BACON. Mr. President, with the Senator's permission, I will suggest that while that is true, they not having been assigned to any of the circuit courts at the time when we abolished the Commerce Court, leaving them with no active duties except those connected with the Commerce Court, is it not appropriate to speak of them as now being assigned by this legislation, or making provision for their being assigned by this legislation, to duty in the district courts? If the Commerce Court were to be continued, of course, then the language of the original law would determine under what circumstances the judges would be assigned to duty in the district courts; but the law being changed and the Commerce Court being abolished before they have been so assigned, it seems to me it is entirely proper that this language should be used in the law for the purpose of indicating that while they have not been assigned as contemplated by the original law, being situated as they are, provision is now made for their direct assignment.

Mr. CUMMINS. That is the very thing of which I complain. I think the present bill ought to provide for their disposition in the future; but, unfortunately, it simply provides for their disposition in the manner provided in the original law. The original act does not contemplate their assignment as district judges, although it does contemplate their assignment for certain services in the district courts.

I am calling this matter to the attention of the Senator from North Carolina, not to embarrass or delay the consideration of the report; but to me it is obvious that if we intend to keep these five judges—or four judges, rather; I am not sure about this. I was about to say that whoever drew this amendment overlooked the fact that we had abolished the office of one of them, at least. I do not remember whether the House passed the bill in which that was done or not. But whether that be so or not, we ought to make definite disposition of these judges in a law to control the future, now that the Commerce Court has been abolished, and ought not to refer to the disposition which the original law made of the judges, under the direction of the Chief Justice.

I had it in mind also to call the attention of the Senator from North Carolina to the second line on page 38. The Senator from Washington [Mr. POINDEXTER] and the Senator from Utah [Mr. SUTHERLAND] have developed what they regard as inadequacies in that section. Whether they be right or not, however, the use of the words "where one of the petitioners in court has either its principal office or its principal operating office" can not properly describe the situation. There are no petitioners in court in such cases until a suit is brought, and it is the venue of the suit to be brought which is intended to be provided for in this bill.

I can not close without expressing my regret that I happened not to be present when this part of the bill was considered by the Senate, and I am very sorry that the House had an opportunity to recede from its original proposition.

Mr. OVERMAN. The House, I think, intended to copy very nearly the language of the amendment of the Senator from Iowa to the original appropriation bill. Whether this was covered in the bill or not, I am sorry the Senator from Utah and the Senator from Iowa were not here when the bill was considered, as I am sure if they had been they would have pointed out the inconsistency. I hope it may be corrected in the future by a resolution or by a bill.

I now move that the Senate concur in amendment No. 107, which is with regard to the Red Cross building.

The PRESIDING OFFICER (Mr. OWEN in the chair). As amended by the House?

Mr. OVERMAN. Yes.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate agree to amendment No. 107, as amended by the House.

Mr. CUMMINS. Does that mean that the Senate recedes from the amendment?

Mr. OVERMAN. No; the Senate concurs in the House amendment. The House concurred in the Senate amendment, but added these words, making the chairman of the Committee on the Library, who is the chairman of the joint committee, a member of the commission.

Mr. SMOOT. Mr. President, may I ask the Senator to let that amendment be passed over for a few minutes? I am informed that the Senator from Ohio [Mr. BURTON] desires to speak for just a few moments on it.

Mr. OVERMAN. Then I make the motion, en bloc, that the Senate recede from its amendments Nos. 10, 11, 27, 28, 29, 30, 31, 32, 33, 82, 93, and 97. They contain the Angelo Albano and Mexican claims, the appropriation for mints and assay offices, the memorial bridge, the automobile for the Vice President, and the extra month's pay to the employees of Congress.

Mr. WALSH. Before that is done I should like some information from the Senator from North Carolina concerning the appropriation for mints and assay offices, and what the attitude of the House was with respect to the matter.

Mr. OVERMAN. In regard to that, the conferees on the part of the Senate would not yield. They insisted on the Senate amendments, knowing how the Senator from Montana and other Senators felt about them. The House conferees said: "Then we will take the matter to the floor of the House." They took it to the floor of the House, and the House refused to agree to the Senate amendments. The House conferees called our attention to this fact, however. I do not think the Senator from Montana was here last year at the time there was a great question before the Senate as to whether or not we would abolish these mints absolutely. The House had repeatedly voted to do it. The Senate refused to agree to it. The question was whether or not we would pass the great appropriation bill. We had it in conference here for a week, and all night long one night, and we made a compromise about 3 o'clock in the morning. The compromise was that we should do away with some 34 policemen, cut in two the contingent expenses of the mints, and the mints should stand. That was agreed to.

The House conferees called our attention to the compromise that was made about four months ago. We told them how insistent the Members from the West were in favor of these mints, but they would not yield. They referred the matter back to the House, and the House stood by its original position.

This question will come up again in the next appropriation bill, doubtless, and whenever it does come up the House of Representatives evidently will insist upon the abolition of these mints. They have done it two times, I think, if not three different times. The Senate has refused to yield. On this matter, which is only in reference to the contingent expenses of the mints for the next six months, I hope Senators will agree to yield their opposition upon those amendments.

The PRESIDING OFFICER. Without objection, the motion to recede is agreed to.

Mr. MARTIN of Virginia. The Senate recedes from its amendments?

The PRESIDING OFFICER. The motion of the Senator from North Carolina was that the Senate recede from its amendments numbered 10, 11, 27, 28, 29, 30, 31, 32, 33, 82, 93, and 97.

Mr. OVERMAN. Now, I call up amendment numbered 107.

Mr. BURTON. As I understand, the only modification in this respect is that the chairman of the House Committee on the Library is added to the commission which has the duty of approving the plans and site of the building?

Mr. OVERMAN. That is all.

Mr. BURTON. I do not think there is any objection to that.

Mr. OVERMAN. I move that the Senate concur in the amendment of the House to Senate amendment 107.

The PRESIDING OFFICER. It is moved that the Senate concur in amendment No. 107, as amended?

Mr. OVERMAN. The House has agreed to amendment 107, which was a Senate amendment with an amendment. Now the question is whether we shall concur in the House amendment. I move that we concur.

The PRESIDING OFFICER. Without objection, the amendment is concurred in, and the conference report is agreed to.

SENATOR TILLMAN'S RETROSPECT OF 18 YEARS.

Mr. SMOOT. Mr. President, in the RECORD of October 7 I find that the Senator from South Carolina [Mr. TILLMAN] asked unanimous consent to have printed in the RECORD two cartoons designated "Senator TILLMAN's allegorical cows." Those were allowed to be printed in the RECORD by unanimous consent of the Senate, nobody objecting. Therefore, of course, I have nothing more to say further than that if I had been present I should have objected to those cartoons going into the RECORD.

The PRESIDING OFFICER. The Chair is informed that that has been reconsidered, and they will not go into the permanent RECORD.

Mr. SMOOT. They will not go into the permanent RECORD? The PRESIDING OFFICER. The matter is to be printed as a document.

Mr. SMOOT. I have not any objection whatever to its being printed as a public document; but I did want to make my position clear, not only to the Senate, but to every member of the Joint Committee on Printing of the House of Representatives—

The PRESIDING OFFICER. The Chair is informed that the matter is to be printed as a public document and is not to appear in the permanent RECORD.

Mr. SMOOT. Then I will be content with what I have already said.

ADJOURNMENT TO THURSDAY.

Mr. MARTIN of Virginia. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock meridian on Thursday.

The motion was agreed to.

SAN FRANCISCO WATER SUPPLY.

Mr. BORAH. Mr. President, I offer a resolution, which I ask may be read.

The resolution (S. Res. 191) was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with the following information:

1. The drainage area east of La Grange on the Tuolumne River, Cal.
2. The run-off from said drainage area by years or seasons and for such a period of time as the records will permit.
3. The total area of land irrigable or that can be irrigated from this river and for which the waters of the Tuolumne River and tributaries can be put to beneficial use.
4. The quantities of waters that can be stored in feasible reservoir sites on the river and its tributary streams.
5. The quantities of water that it is deemed advisable to store for beneficial use of the lands properly irrigable from said stream or tributaries.
6. The drainage area and run-off of such part of said total drainage area as may then be available as a water supply for incorporated cities and towns, the capacities of feasible reservoir sites within said area after provision is made for beneficial use of the lands properly irrigable from these sources, and the quantity of water per day in gallons that would be available as a water supply for such incorporated cities and towns.
7. That he be directed to furnish the same information for the Stanislaus River east of Knights Ferry;
8. For the Mokelumne River east of Clemente; and
9. For the Consumne River east of Michigan Bar.

Mr. BORAH. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. A request has been made by the Senator from Idaho for the present consideration of the resolution which has just been read. Is there objection? The Chair hears none.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. POINDEXTER. Mr. President, will the Senator from Idaho consider an amendment to the resolution?

Mr. BORAH. I will.

Mr. POINDEXTER. I should like to suggest, as an amendment, that the information called for in the resolution include a separate statement of the amount of flow in the Eleanor and Cherry tributaries, which, with the Hetch Hetchy, make the Tuolumne River, and that it include a statement of the amount of power that is capable of being developed in each one of those three streams, stated separately. The importance of this, it seems to me, is that the Eleanor and Cherry tributaries of the Tuolumne are outside of the national park, while the Hetch Hetchy, one of the three constituent parts of the proposed project, is in the park.

Mr. BORAH. Mr. President, I have no objection to the amendment if the Senator will state it so that the Secretary can take it down.

The PRESIDING OFFICER. Will the Senator state the proposed amendment?

Mr. POINDEXTER. I will state it. I propose to add, at the close of the resolution, the following:

That the statement include a separate statement of the average annual flow of water in the Cherry, Lake Eleanor, and Hetch Hetchy tributaries of the Tuolumne, and a separate statement of the amount of hydroelectric power capable of being developed in each one of these three tributaries of the Tuolumne.

Mr. NORRIS. I should like to make an inquiry of the Senator from Idaho if the Senator from Washington is through.

Mr. POINDEXTER. I am through. I understand that the Senator from Idaho accepts the amendment.

Mr. BORAH. I accept the amendment in so far as I can do so.

Mr. NORRIS. My attention was diverted and I did not hear the reading of the resolution. I wish the Senator from Idaho would be kind enough to state the substance of it.

Mr. BORAH. The object of the resolution is to get the amount of annual flow and the run-off in the different streams which may be involved in the discussion of the Hetch Hetchy matter when it comes up the 1st of December. It asks the Secretary of the Interior to make a report upon the different physical facts which will throw light upon that question. I do not think it is a thing that anyone could object to, as it is solely for the purpose of acquiring information.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BORAH. Now, I ask, if no one desires to make a suggestion, for the adoption of the resolution as amended.

Mr. NORRIS. I should like to have it read as it has been amended.

The PRESIDING OFFICER. The Secretary will read the proposed resolution as amended.

The Secretary read the resolution (S. Res. 191) as amended, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with the following information:

1. The drainage area east of La Grange on the Tuolumne River, Cal.
2. The run-off from said drainage area by years or seasons and for such a period of time as the records will permit.
3. The total area of land irrigable or that can be irrigated from this river and for which the waters of the Tuolumne River and tributaries can be put to beneficial use.
4. The quantities of waters that can be stored in feasible reservoir sites on the river and its tributary streams.
5. The quantities of water that it is deemed advisable to store for beneficial use of the lands properly irrigable from said stream or tributaries.
6. The drainage area and run-off of such part of said total drainage area as may then be available as a water supply for incorporated cities and towns; the capacities of feasible reservoir sites within said area, after provision is made for beneficial use of the lands properly irrigable from these sources; and the quantity of water per day in gallons that would be available as a water supply for such incorporated cities and towns.
7. That he be directed to furnish the same information for the Stanislaus River east of Knights Ferry;
8. For the Mokelumne River east of Clemente; and
9. For the Consumne River east of Michigan Bar.
10. That the statement include a separate statement of the average annual flow of water in the Cherry, Lake Eleanor, and Hetch Hetchy tributaries of the Tuolumne, and a separate statement of the amount of hydroelectric power capable of being developed in each one of these three tributaries of the Tuolumne.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. ASHURST. Mr. President, obviously what I am going to say will not be pertinent to this subject, but—

Mr. BORAH. Could we not have the resolution disposed of first? I understand there is no objection to it.

Mr. ASHURST. Very well.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

BUSINESS OF THE SESSION.

Mr. ASHURST. Mr. President, a moment ago a motion was made and carried that when the Senate adjourns to-day it adjourn until Thursday next. I am a new Senator here, and would be presumptuous if I attempted to put my limited experience into the scales against the experience of elder Senators. But I warn the Senate, I warn especially the Democratic Members of the Senate, that no party can fool the American people. Let us either manfully work or manfully adjourn.

I protest with all the vehemence of which I am capable against trying to make the American people believe that we are at work when we are not. On the calendar there are 40 or 50 bills that have been reported. They should be passed or defeated. Is the United States Senate afraid to meet the bills that are upon the calendar? Is any Senator afraid to vote yea or nay on the bills?

We are drawing salaries paid to us for performing our duties, and I again protest, and shall continue to protest, against a procedure of pretending to be at work when we are not. Now, why may we not meet at 2 o'clock every afternoon and take up the calendar? Many bills of great importance to the country are pending on that calendar requiring attention. There is an enormous work and an immense responsibility just ahead of the Democratic Party. The serious economic condi-

tions facing us require that we give studious, assiduous, and careful attention to legislation in addition to the tariff and the currency.

Mr. SHAFROTH. Mr. President, as a usual rule I concur in pretty nearly everything that the Senator from Arizona puts forth in the Senate, but I must say I can not concur with him in resisting the motion to adjourn over until Thursday. Unquestionably the Democratic Party is pledged to the enactment of a currency bill. That bill is now being considered by the Committee on Banking and Currency of the Senate. Every time we take an adjournment for only a day the members of that committee desire to attend the session of the Senate and it retards the operation of the committee in the hearings as well as it will retard it in the consideration of the bill. It is a very important measure. We are trying to expedite it in every way that we can, and each one of these sessions from day to day, instead of an adjournment for three days at a time, is bound to make a delay in the ultimate consideration and determination by the Senate of the bill. It being considered one of the great bills, it being absolutely necessary that it should be considered by the Senate, it seems to me that an adjournment for three days at a time is a proper course for the Senate to take.

CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

Mr. POMERENE. Mr. President—

Mr. CLAPP. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Minnesota will state his point of order.

Mr. CLAPP. Have we finished the morning business?

The VICE PRESIDENT. The morning hour has expired.

Mr. CLAPP. Then I call for the unanimous-consent agreement, under which the Senate agreed to proceed to the consideration of the bill (S. 192) to limit the use of campaign funds in presidential and national elections. I will say that I am in hearty accord with what the Senator from Arizona [Mr. ASHURST] has said, and I would like now to proceed to the consideration of this legislation.

Mr. MARTIN of Virginia. It was agreed by unanimous consent to take up the bill.

Mr. SMITH of Georgia. The Senator from Minnesota has simply to ask the Chair to lay it before the Senate.

Mr. MARTIN of Virginia. The regular order I understand is to lay the bill to which the Senator from Minnesota refers before the Senate.

Mr. CLAPP. Certainly.

The VICE PRESIDENT. The Chair lays before the Senate the bill (S. 192) to limit the use of campaign funds in presidential and national elections. The bill will be read.

The Secretary read the bill, which had been reported from the Committee on Privileges and Elections with amendments.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smith, Ga.
Bacon	Hollis	Owen	Smith, Md.
Bradley	Lane	Page	Smoot
Brady	McCumber	Poindexter	Sutherland
Bryan	Martin, Va.	Pomerene	Thomas
Burton	Martine, N. J.	Shafroth	Thompson
Chamberlain	Myers	Sheppard	Tillman
Clapp	Nelson	Shields	Vardaman
Cummins	Norris	Simmons	Walsh
Fletcher	O'Gorman	Smith, Ariz.	Williams

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present.

Mr. MARTIN of Virginia. I move that the Senate adjourn.

Mr. CLAPP. Mr. President, a parliamentary inquiry. If in order, I ask that the names of the absentees be called.

The VICE PRESIDENT. A motion to adjourn has already been made and must be first passed upon.

Mr. CLAPP. All right.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia that the Senate adjourn.

The motion was not agreed to.

Mr. CLAPP. I move that the roll of absentees be called.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRISTOW and Mr. THORNTON answered to their names when called.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. CLAPP. I move that the Sergeant at Arms be directed to request the attendance of absentees.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is instructed to request the attendance of absent Senators.

Mr. CUMMINS. In behalf of my colleague [Mr. KENYON], I desire to announce that he is detained from the Senate by illness in his family.

Mr. CLAPP. If it were not for the fact that we have already had a quorum here this morning, I would not have asked for this order, but in view of the fact that the RECORD shows we have had a quorum I think it is only fair that we should send for absentees.

Mr. MARTIN of Virginia. I will say to the Senator from Minnesota that I would be very reluctant to see the Senate adjourn, but I knew that more than a majority of Senators were away or were leaving the city. When the roll was called this morning many Senators came to me and stated that they were going away. I had the greatest difficulty by personal appeal in keeping Senators here until we disposed of the deficiency appropriation bill, and a number told me that immediately after that they were going to leave. I believe there is barely a quorum in the city now, and that is the reason why I moved an adjournment. The motion was not made on account of any hostility to the bill, but owing to the circumstances.

Mr. LEWIS, Mr. STONE, Mr. REED, and Mr. STERLING entered the Chamber and answered to their names.

Mr. HOLLIS. Mr. President, I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is absent on important business, and that he is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. LA FOLLETTE and Mr. WEEKS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present. Without objection, further proceedings under the call will be dispensed with. The bill is being considered as in Committee of the Whole. The committee have reported certain amendments, which will be stated.

The first amendment of the Committee on Privileges and Elections was, in section 1, on page 1, line 6, after the word "send," to insert "or to furnish to be sent or transmitted, or to carry or cause to be sent or carried," so as to read:

That hereafter it shall be unlawful for any person, firm, corporation, association, or committee, or any officer or agent of any person, firm, corporation, association, or committee, to send or to furnish to be sent or transmitted, or to carry or cause to be sent or carried, any money or other thing of value from any State or Territory of the United States to any person, firm, corporation, association, or committee in any other State or Territory of the United States, including the District of Columbia.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

BANKING AND CURRENCY.

Mr. REED. Mr. President, I ask unanimous consent to interrupt the proceedings just a moment, because I find it necessary to go to a committee meeting.

I have been engaged, as the other members of the Banking and Currency Committee have been engaged, constantly upon the bill now pending before that committee. The committee has been proceeding as rapidly as it could. It has been the hope, I think, of all Members of Congress that the bill should be reported as soon as a proper consideration could be had, and that when reported it might be promptly considered by the Senate.

I have said that I have been absent from the Senate much of the time because of service upon that committee. If I had not been working on the committee, I would have been in my seat in the Senate and would not have occasion to make the statement I am about to make or to complain of what has transpired.

Mr. President, I find that we have now a unanimous-consent agreement, entered into on October 9, to consider Senate bill 192, to limit the use of campaign funds in presidential and national elections; we have another unanimous-consent agreement, entered into on the same date, to consider the bill (S. 136) to promote the welfare of American seamen in the merchant marine; there is another unanimous-consent agreement to consider the bill (H. R. 7207) granting to the city and county of San Francisco certain rights of way, which agreement provides that the bill shall be voted on before adjournment on the calendar day of Saturday, December 6; and there is a further unanimous-consent agreement providing for the consideration on December 8 of the bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in Alaska.

Mr. President, I do not know just how soon the Banking and Currency Committee can report the bill now before it. That it will report it at the earliest possible day is, in my opinion, without question. I am simply expressing my individual opinion, but it is an opinion based upon the attitude of the members

of the committee. When the bill comes before the Senate it will be the most important bill we have had before us since my membership here, at least; and, as I have said, it ought to receive prompt and careful consideration. If we continue to enter into unanimous-consent agreements fixing arbitrary dates for the consideration of various measures, when that bill does arrive in the Senate the legislative road will be so obstructed by unanimous-consent agreements that delay in the consideration and passage of the currency bill will be inevitable, the degree of delay depending, of course, upon the number of unanimous-consent agreements entered into and depending upon the length of the debate which may ensue.

For my part, if I were to be permitted to sit here in the Senate, instead of being upon the Banking and Currency Committee, I would refuse to give unanimous consent unless it were a matter to be then and there acted upon and disposed of. I am now calling the attention of Senators who want to see banking and currency legislation enacted within a reasonable time to the fact that unanimous-consent agreements are likely to prevent prompt consideration and passage of that bill or any other important bill which may come before us, and I am taking this opportunity to suggest that we ought not to grant unanimous consent further. As I have stated, if I could be here on the floor I would myself make the objection.

Mr. STONE. Mr. President, I should like to ask my colleague a question. The unanimous-consent agreements to which my colleague refers, at least the two more important ones, as I understand, have reference to dates in December—one to December 1 and the other to December 8—at the next regular session. There is a unanimous-consent agreement affecting the bill which the Senator from Minnesota [Mr. CLAPP] is now seeking to bring before the Senate. I should think there would be no obstacle in the way of bringing that up, if the Senate cares to take it up on its merits, so far as banking and currency legislation goes, if I judge correctly as to the likelihood of getting that legislation before the Senate. I should like to ask the Senator from Missouri when the Senate can probably expect the currency bill to be reported, and, in this view, do the unanimous-consent agreements for the next session, in the opinion of the Senator, stand in the way of currency legislation?

Mr. REED. Mr. President, I can best answer that question by simply stating the facts—and, mark you, I do not profess to be speaking for the committee; I can only give my own opinion as a member of the committee. The hearings, by resolution of the committee, are to be terminated on the 25th of this month. There is constantly a greater demand for hearings, and there are awaiting the committee to-day probably 25 or 30 men who desire to be heard. The committee in fixing the date of October 25 thought they were fixing as short a time for hearings as was proper. When those hearings are terminated, of course, the committee will immediately take the bill up for consideration. That there will be many amendments offered in the committee I think I can say without challenge—I mean by that that my statement to that effect will go without challenge. In order to discuss and to dispose of those amendments the committee must have a reasonable amount of time. I can not tell how long or how short that time will be and, therefore, I can not say when the committee will be able to report; but I can say that it will report with all diligence, as it will work to the extent of the physical ability of its members in order to accomplish a result.

I am constrained to speak in this conservative way, Mr. President, because this bill involves the entire currency system of the United States and it involves to a greater or less extent the entire banking system of the United States. Every man who has given a question of that kind a moment's serious reflection and consideration knows that haste is the highest sort of unwisdom and that because of the serious nature of the questions involved, care and thought ought to be given; but at the same time because of the weighty nature of the propositions and their importance to the country prompt action and consideration should be had; by all of which I mean to say that just as the question is important, it ought to be gravely considered, and just as it is important it ought to be promptly considered and acted upon.

Mr. VARDAMAN. Mr. President, I should like, if he will permit me, to make one suggestion to the Senator from Missouri while he is on his feet. I will occupy only a moment. I agree with the Senator very heartily in what he has said as to the gravity and importance of the problem to be solved, but I should like to have him state while he is on his feet, since it has been suggested that probably some effort has been made in the committee by certain Senators to delay action, whether or not there is any foundation for that statement?

Mr. REED. Why, Mr. President, I have not seen the slightest manifestation on the part of any Senator on the committee of a

desire to delay this bill one moment. I almost regret that the question was asked, and I almost regret that it is necessary to answer that kind of a question; but I know the Senator asked it because there has been some criticism—

Mr. VARDAMAN. Some intimation that that was true.

Mr. REED. In the public press to that effect.

Mr. President, there are possibly in this world some men wise enough to know just how to frame a great bill that will work perfectly when it is applied to the banking and currency system of the United States, but unfortunately the members of this committee, being all human beings and possessed of ordinary fallibility, judgment, and limitations of knowledge, find it necessary to make some inquiries and to endeavor to learn something about the subject with which they are dealing. Therefore the members have asked every man appearing before the committee such questions as were suggested, and I can say for my own part, speaking only in reference to my individual limitations, that there has not been a man who has appeared before the committee who has not given me some light I did not theretofore possess.

I believe the members of the committee will be able to agree upon a bill regardless of party alignment. I have seen no disposition manifested to draw party lines on this bill. It has seemed to me that every member of the committee has been doing the best he can do.

Now, Mr. President, once and for all with reference to this question of delay, I will say that the tariff bill reached the Senate on the 9th day of May. It passed the Senate on the 9th day of September, and finally became a law on October 3. It was held in conference for a longer time than the currency bill has been before the committee, and yet the tariff is a question that has been discussed ever since most of us can remember. The two parties had adopted their respective policies, and when the election was held and the Democrats were returned to power it was known that a certain policy was to be followed, and all that was necessary was to fit a schedule to a known and determined policy; and yet, acting with great diligence and care, with great industry and labor, it took us all that time to write a tariff bill. Now, here is a bill that went to the Committee on Banking and Currency on the 18th day of September. It has been before the committee a total now, I think, of 23 days, including Sundays. It has never been a party measure; it is not bottomed upon a party policy; it is a great scheme of banking and currency to apply to the entire country; it is a measure upon which our Republican friends have never taken a position, so far as this particular bill is concerned, and upon which our party has never committed itself. It is a matter in which, if we make a serious mistake, we will involve the commerce, the industries, and the currency of the United States. It is a question of such character that, if we act upon it wisely and prudently, we can probably bring great benefit to the commerce and industry of the people of the United States. But only those who are possessed of superhuman wisdom can act with safety in regard to a measure of that kind without considering it and giving the different parts of the country an opportunity to be heard. I believe the committee will speedily submit a report on the bill to the Senate, considering the character and nature of the bill. All I rose to say was that I hope when the bill is reported the legislative highway will not be so blocked by unanimous-consent agreements with reference to other legislation as to make it impossible to pass the bill within a reasonable time.

Mr. SMITH of Georgia. Mr. President, I wish to say to the Senator from Missouri I think the members of the Banking and Currency Committee have a right to expect their colleagues here to keep the way open for them. I agree with him that we should not block the road by unanimous-consent arrangements, so as to prevent the Senate from giving its entire time to the banking and currency bill when it shall be reported. We do not know how soon the bill will be before us; we do not know how long it will take for us to discuss and perfect it when it is here. It was for that reason this morning I objected even to a request for unanimous consent by which the time of the Senate early in January was to be set aside for a measure suggested by the Senator from Arizona [Mr. ASHURST].

Mr. President, we are also entitled to the time between now and the report of the committee for all Senators to study the currency bill and for the committee to do its work satisfactorily. It should not be subject constantly to calls for the lack of a quorum to come here to the Senate to attend our sessions. We break up the work of the committee by our sessions now. I think every Senator is entitled to his time to study this measure. We should give the currency bill all of our time until it is passed.

We have been in session a long while. Had I not found a consent order setting a measure for next Thursday, I should have moved this morning a joint resolution to adjourn or to take a recess until some time in November, the earliest time when the Committee on Banking and Currency might advise that their report would be ready. But the consent order has been given at our last session for the seamen's bill to come up next Thursday, and for that reason I made no effort for a recess.

I have been carefully examining these consent orders, and I am gratified to find that those for December are not very much in our way. The first is a consent order simply to begin the consideration of a measure. Having begun it, the Senate can dispose of it at once. It does not require us to continue the consideration of the measure until we vote upon it. The other consent order for December requires us to begin the consideration of the measure, and requires us to vote upon it at a certain time, but does not require us to continue to consider the measure until we dispose of it.

Therefore I do not think those consent orders for December, unless they are amended, will seriously hinder the work of the Senate, and if any effort is made to perfect them by unanimous consent I hope objection will be made.

Mr. President, I hope we will so shape our work as to give our time to the banking and currency bill until we act upon it in the Senate, and allow nothing to be placed in the way to hinder as careful consideration of the question and as speedy action as possible.

Mr. O'GORMAN. Mr. President, the inquiry addressed by the junior Senator from Mississippi [Mr. VARDAMAN] to the Senator from Missouri [Mr. REED] as to when the Banking and Currency Committee will probably make its report leads me to call attention to a feature of the situation about which there is manifestly much confusion in the public as well as in the legislative mind.

Bankers and business men from all sections of the country have applied to the Senate committee for an opportunity to present their views regarding this universally recognized great problem confronting the American people. It has been said from time to time that they have had ample opportunity to present their views elsewhere. The fact is that the Banking and Currency Committee in the House that reported this bill never had a public hearing and never examined a single witness.

It is true that during a part of the session of the Sixty-second Congress the then existing Banking and Currency Committee did hear certain witnesses. As a matter of fact, they devoted 50 hours during the year preceding the 4th of March, 1913, to an examination bearing more or less remotely upon probable banking and currency legislation. Of the 21 members of the committee that participated in those hearings in the Sixty-second Congress, however, only 3 were members of the Banking and Currency Committee in the Sixty-third Congress that reported this bill to the House. Therefore, of the 21 members of the Banking and Currency Committee of the House at the present time only 3 have had the opportunity of hearing business men and bankers regarding necessary changes in our banking system. But unless witnesses may have been examined before the Democratic members alone—and of that I am in doubt—I do know that no witness was called at any time or given an opportunity to be heard by the committee that stood sponsor for this bill in the other branch of Congress.

I can well understand the surprise that must be felt throughout the country when it is seriously questioned as to whether business men and citizens and bankers intensely interested in a great piece of legislation shall or shall not be accorded the privilege, which ought to be the right of every American citizen, of coming before their Representatives in Congress and pointing out where they think a structure that is about to be erected is weak or faulty, when if it be weak or faulty it will carry in its train a mischief such as this generation has never experienced.

There is no subject upon which the thought of Congress can be concentrated that so vitally affects the happiness, the prosperity, and the well-being of the entire country as the subject of banking and currency. At times I can scarcely believe my ears or trust my eyes when I hear and read suggestions that this important piece of legislation should be passed at once, be the consequences to the American people what they will.

Mr. President, the members of the Banking and Currency Committee of the Senate have a high sense of the responsibility under which they rest in considering the legislation now before them. To their colleagues, if it be necessary, the assurance can be given that they will discharge that responsibility and perform that duty as their own consciences and their own intellects

tell them it should be performed for the benefit of the American people.

Mr. STONE. I should like to ask the Senator from New York now when he thinks the Committee on Banking and Currency will likely report this measure?

Mr. O'GORMAN. I regret that I can not answer the question, perhaps, as satisfactorily as the Senator would like to have it answered. I will tell him, as his colleague told him, that when the committee reports a bill it will have exhausted all necessary deliberation and consideration of the subject. Some minds move more quickly than others. Some members of the committee can perhaps report a bill or come to a conclusion with regard to vital points in this measure quicker than other members.

Mr. STONE. All that is true; but the question I ask is what the Senator thinks as to when the bill will be reported.

Mr. O'GORMAN. I will say this: On the 25th of October the hearings will close.

Mr. STONE. Yes; so I see.

Mr. O'GORMAN. I did not know that the Senator was aware of that. He has been absent for some time, while we have been taking care of these hearings.

Mr. STONE. I read that in the newspapers.

Mr. O'GORMAN. The members of the committee will then attempt to take up the present bill section by section, with the hope that as a result of the joint deliberation of the members a measure will be framed free from the defects, the blemishes, and the deficiencies which are apparent upon this bill, although in certain places it has been regarded as the last word on banking and currency legislation. It is possible that toward the end of November the committee may agree upon a bill.

Mr. STONE. "Possible"—"toward the end of November"?

Mr. O'GORMAN. Yes.

Mr. STONE. Does the Senator think the committee will be better prepared to evolve the matter of which he speaks a month hence than it is now?

Mr. O'GORMAN. We have heard from bankers and business men from the State of Missouri. I rather think some other business men from that State may want to be heard; and, as the Senator's colleague assured him, I have listened to no witness before the committee without deriving benefit from the views expressed. Therefore I have some hope and expectation—

Mr. STONE. I wish to say—

Mr. O'GORMAN. If the Senator will permit me to conclude—

Mr. STONE. Yes.

Mr. O'GORMAN. That every day from now up to the 25th of October will contribute something to the fund of knowledge and learning upon the subject now possessed by members of the committee.

Mr. STONE. Between now and the 25th of October is it the purpose of this honorable committee, which has great labors upon it, I know, and great responsibilities, to attempt the work of considering the bill itself and the amendment of it?

Mr. O'GORMAN. No.

Mr. STONE. Does the committee intend to wait until it is through with all the hearings?

Mr. O'GORMAN. We intend to devote all our time in the interval to hearing the views of witnesses. We can not do two things at one time.

Mr. STONE. Oh, but you can do two things running along parallel lines. When we had the tariff bill up we had hearings, and we also considered the bill in the committee. The two things ran along somewhat together.

Mr. O'GORMAN. Of course the Senator knows there are a great many citizens who say they had no hearing before the Finance Committee.

Mr. STONE. Oh, yes; there are a great many who said they did not, and there were a vast number who indicated that they wished to be heard. If we had heard every man who wished to be heard, we would be having hearings now. What I desire to impress upon the committee is that I have been from the beginning, and am now, unqualifiedly and unconditionally in favor of the consideration and disposition of currency legislation at this extra session.

Mr. O'GORMAN. The Senator is not exceptional in that attitude. I think it is true of all the Senators.

Mr. STONE. I do not think I am exceptional in it. I will go further than that and call the attention of the honorable Senator particularly to the fact that his colleagues on this side of the Chamber have formally expressed themselves, by a resolution, in favor of the consideration and disposition of banking and currency legislation at this session.

Mr. O'GORMAN. I should like to correct the faulty memory of the Senator from Missouri. The only action taken by the

Democratic caucus was that they favored the consideration of banking and currency legislation at this session.

Mr. STONE. Yes.

Mr. O'GORMAN. It is receiving consideration.

Mr. STONE. Yes.

Mr. O'GORMAN. The caucus did not seek to impose upon the committee the necessity of concluding its labors—

Mr. STONE. I will not undertake to join issue with the Senator without reference to the resolution itself. My remembrance, however, is that the resolution provided that banking and currency legislation should be considered and disposed of.

Mr. WILLIAMS. The language was "determined," I think.

Mr. STONE. That it should be considered and determined at this session.

Mr. O'GORMAN. I again assure the Senator that the word "determined" was not used in the resolution.

Mr. STONE. But if only the word "considered" was used in the resolution, I say it was the sense of the Democrats of this body that it should be considered at this session.

Mr. O'GORMAN. It is being considered, and has been considered, while many Members—

Mr. STONE. Of course it is being considered in committee; but—

Mr. O'GORMAN. I insist upon being permitted to conclude. It has been considered during this session, and has been considered by the members of the committee, while certain Senators who now see light and are manifesting extraordinary interest in the legislation have been away from Washington, not giving their time as required of committee members.

Mr. STONE. I assume the Senator means that as a reflection upon me.

Mr. O'GORMAN. No; it reflects on nobody, but it is intended to relate to those to whom it can be truly applied.

Mr. STONE. It does apply to me. I have been away for more than two weeks. The Senator knows why I have been away, and it is hardly a kindly reference to my absence. If I had been in my seat every day, however, I would have had no opportunity to consider this bill in the legislative sense. I am trying now to ascertain in as gentle and kindly a way as I can when I may have an opportunity to consider it.

Mr. O'GORMAN. I am afraid the Senator is assuming too great a labor on the first day of his return to the active work of the Senate.

Mr. STONE. Too great a labor to ascertain a fact from a member of the committee?

Mr. O'GORMAN. In trying to ascertain a specific date.

Mr. STONE. That is a strange remark for the Senator to make. I did return to-day, and I ask the Senator for information, and he says I am assuming too great a labor on the first day of my return. I am sorry the Senator leaves the matter at that point. It was not controversy that I sought; far from it. I sought information, with the hope that I would learn that we would have this measure before the Senate at an early date, when we might take it up and consider it in the Senate.

Mr. O'GORMAN. I am simply giving the Senator the information that was in substance given to him a few minutes since by his colleague.

Mr. STONE. My colleague expressed, as he said emphatically, his personal opinion. Now I turn from him to the Senator from New York to ask him his opinion.

Mr. O'GORMAN. The Senator has received it.

Mr. STONE. I do not know what it is.

Mr. O'GORMAN. I said that some time in November there will be a report from the committee, perhaps.

Mr. STONE. "Perhaps."

Mr. REED. Mr. President, when I rose to suggest that in order to expedite this business unanimous-consent agreements should not be made, that it would be unfortunate if they were made, and that when the banking and currency bill came before us we should find its way obstructed by these agreements, I had no thought of provoking a discussion in regard to the bill or the time of the report.

My colleague asked me the same question that he has asked the Senator from New York. I only in part answered it, stating that the hearings would end on the 25th of October, and that the committee would then immediately try to work out the details of the bill. I might have said, as I now say, that it seems to me as one member of the committee, that 10 or 12 days will be necessarily consumed in that work; but that is only my own individual opinion.

It is conceded now that there must be some amendments. I mean, it is conceded in the committee. I do not know what the opinions of my colleagues on the committee are, except as they are reflected in occasional remarks or by questions; but judging

from those remarks I think there is a coming together of the minds of the members of the committee with reference to certain vital propositions in the bill. That being the case, and knowing that there are many things to consider, I think it will take that long, and I believe we shall be able to get a report. Possibly every member of the committee will not agree—

Mr. WILLIAMS. Mr. President, then the Senator from Missouri does not agree with the Senator from New York that it will take 30 days in the committee, after the hearings are closed, before the committee will be ready to report to the Senate?

Mr. REED. I did not so understand the Senator from New York.

Mr. WILLIAMS. The Senator said the hearings would close on the 25th of October, and that toward the end of November, perhaps, the committee would be ready to report to the Senate.

Mr. REED. I am giving my judgment, and it is a little different from that construction of the statement of the Senator from New York, if he intended it in that way. I think in 8 or 10 days we ought to come to an agreement, or to find that we can not agree, and then have certain members come to an agreement, but I may be mistaken. I know that we shall gain time by thoroughly considering each matter and endeavoring to thrash it out.

Mr. President, before I leave my feet I want to say, in reference to my colleague's absence, that I know why he left the Senate, and some other men here know why he left it. He would not say, but I say, that most serious illness in his family called him away, and that his devotion to public duty kept him here for a good many days when I know his heart called him elsewhere.

With reference to the suggestion my colleague made, that we might be considering the bill while the hearings are going on, I will say that the hearings have not been sporadic and occasional. They have begun at 10 o'clock in the morning, and they have run through the day until 5 or half past 5 or 6 o'clock in the evening. That is about the limit of what a man can do.

I wish to say in conclusion—for I certainly did not rise to my feet in order to start a discussion—that under ordinary and normal conditions, if we were running as we ordinarily do, no one would think of asking the committee to report in haste. Everyone would rather gladly welcome the fact that the committee was trying to find out what it ought to do. I make the prediction that every day spent in the committee will save 10 days' discussion and battle upon the floor of the Senate. Perhaps that is an overstatement, but I think I am perfectly safe in saying that it will save much time on the floor of the Senate.

I know something of this body, although not, perhaps, as much as the older Members. I know that the Senate of the United States will not railroad a banking and currency bill; and if it should do so it would abdicate the high place it has held in the councils of this Nation.

So, Mr. President, I renew my suggestion as to the unwisdom of making unanimous-consent agreements now that will block the consideration by the Senate of the banking and currency bill when the committee is able to report.

Mr. BRISTOW. Mr. President, in connection with the remarks that have just been made by the Senator from Missouri, I desire to say that I am in hearty accord with his views as to these unanimous-consent agreements. First, I do not think it is a good policy to have unanimous-consent agreements when there is a bare quorum, or perhaps less than a quorum, of the Senate present.

I have no objection to any of the agreements that have been made, so far as I am concerned. If I had been present, I would not have objected, because I am perfectly willing to take up any of these measures at the time that has been agreed upon. But since the Senate and the country are interested in currency legislation, since the committee of the Senate is devoting its attention to that measure, I think, as industriously as any committee of the Senate has ever worked on any great bill, these meetings of the Senate, where there is a continuous struggle for a quorum, necessarily break into the deliberations of the committee. To-day the larger part of the day has been interfered with, so that our work has been delayed because of our necessary attendance here in order to maintain a quorum.

Mr. CLAPP. Will the Senator pardon me an interruption?

THE VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. I do.

Mr. CLAPP. Aside from the mere call of a quorum there has not been a moment of the time of the committee taken up on the subject matter of the call of a quorum. The entire time of those who are members of the committee has been taken during the consideration of this bill upon the question of the meetings and hearings of the committee.

Mr. BRISTOW. I desire to refresh the Senator's recollection. We had a vote on an important bill that was pending here, and it took every vote that could be secured in order to get a constitutional majority.

Mr. CLAPP. That was before the pending bill came up, and I think before there was a call for a quorum this morning the first call of the Senate was a call on a yea-and-nay vote.

Mr. BRISTOW. The fact remains.

Mr. WILLIAMS. I should like to ask the Senator from Kansas a question for my own information.

Mr. BRISTOW. Very well.

Mr. WILLIAMS. It seems to be settled that the hearings before the Committee on Banking and Currency will be closed on the 25th. I should like the Senator to give me his judgment as to how much longer time will be consumed in the committee after the hearings are closed before he thinks the committee will be ready to report. The Senator from Missouri seems to think 8 or 10 days, and the Senator from New York about 30.

Mr. BRISTOW. It is difficult to give any satisfactory answer, because there is a divergence of views on the part of the members of the committee as to what provisions should be incorporated in the bill and what changes should be made. These differences of opinion are quite marked. They are not along party lines, I will say. They come from the conviction and judgment of the individual members of the committee as to what is the best thing to do.

Mr. WILLIAMS. I understand that, and I hope—

Mr. BRISTOW. If the Senator will permit me, I will undertake to answer his question as nearly as can be done.

Mr. WILLIAMS. I hope that condition of things will continue to exist.

Mr. BRISTOW. As to how long it will take the committee to weigh the testimony which has been taken and to deliberate upon the various amendments that are to be offered is a rather difficult thing to approximate.

Mr. WILLIAMS. Yes, it is; but I should think that the committee, having heard the testimony, ought not to have to spend a great amount of time either reading it or weighing it. I know the membership of that committee so well, their intellect so well, that I know they are weighing testimony as they go along. It struck me that perhaps if they would get right down to work, to vote upon every amendment would require not over four days, at any rate.

Mr. BRISTOW. I can say to the Senator that that will be utterly impossible. If we undertake to report the bill out in four days after the hearings are closed, the committee would be recreant to its duty and unworthy of the high responsibility placed upon it.

Mr. WILLIAMS. I should think that they could consider the various amendments in that length of time. They understand already what they are. They have heard the testimony and they have weighed the subject matter. For myself, knowing each one of them intimately, I think they would have formed their opinion by the time the testimony closes.

Mr. REED. May I ask the Senator from Mississippi a question, with the consent of the Senator from Kansas?

Mr. WILLIAMS. If the Senator from Kansas yields.

Mr. BRISTOW. Certainly.

Mr. REED. What subcommittee of the Committee on Finance was the Senator on when dealing with the tariff bill?

Mr. WILLIAMS. I was on the subcommittee dealing with three schedules of the dutiable list, and the income tax and the administrative section and agricultural products.

Mr. REED. How long did the Senator have those matters before the subcommittee?

Mr. WILLIAMS. We were fixing most of them as we went along, while we were hearing them, and a very few days after we got through with the hearings we reported back to the main committee; I have forgotten how many days, but I think about five days after the hearings before the subcommittee were closed.

Mr. REED. That is still vague, indefinite, and uncertain—

Mr. WILLIAMS. No; it is not.

Mr. REED. Because you had hearings from day to day before parts of the committee a part of the time and then you would work; but, as a matter of fact, the committee, taken as a whole, had the tariff bill under consideration from the 9th of May.

Mr. WILLIAMS. After the subcommittees had reported back, of course then the members of the committee who had not an opportunity to hear the testimony before the subcommittees, had to have time to read it. That is not the case with this bill. The full committee is sitting.

Mr. REED. Now the whole committee is sitting.

Mr. WILLIAMS. Yes.

Mr. REED. And it is sitting all day, not a part of the day, and it is hearing testimony. Then, after that has been done, various members of the committee will have their suggestions and amendments to bring forward, and each of them will have to be considered and discussed.

As no one knows just what amendments will be offered or what suggestions will be made, and as we are dealing not with schedules but with great principles and then with the application of those principles to a business that ramifies the country and is as varied almost as the products of the country, it is necessary of course to give each of those matters proper consideration. It is not a question of merely voting upon certain amendments. Therefore I say to the Senator—

Mr. WILLIAMS. The Senator must recognize the fact that it takes a much shorter time to settle the various opinions on general principles than the schedules of a tariff bill.

Mr. REED. That may be true; but I know some people thought it was an utter waste of time to take the length of time taken by the Finance Committee in considering mere schedules. Men who were advised knew that they had a most difficult problem before them, and men who are advised with regard to this matter know the same thing. A bill may be an admirable bill for New York City and a very bad bill for the small banks of the State of Mississippi. It may be an admirable thing for the business men of New York City and yet it may be a very bad thing for the business men of Mississippi or Missouri and—

Mr. WILLIAMS. There is no doubt about that.

Mr. REED. It is not merely a question of settling a general principle. I think the general principles of this bill, speaking in the very broad sense, are acceptable to most of the members of the committee, but when you come to put necessary limitations upon them and safeguard the variations that must be made, you have a problem that is as intricate and as delicate as can be imagined; and I wish, so far as I am concerned, that some greater man than myself—you would perhaps not have to search far to find him—might have my place on this committee, somebody who knew better than I know what ought to be done; but I should not want to see somebody there who less than myself appreciated the gravity of the work we are entering upon.

Mr. WILLIAMS. Of course, when considering a responsible and important question we always regret our inability to face it with thorough information, and that is a tribute to the Senator's honesty as well as his modesty.

But I did not intend to enter into a debate at all. I wanted, if I could, for my own guidance and the guidance of my own conduct, to find out about how soon we might hope that the bill would be back in the Senate.

Mr. BRISTOW. Mr. President, I am sorry that I can not give the Senator from Mississippi the accurate information that he would like to have, but I want to say, in corroboration of what has been said by other members of the committee, that we are working industriously and conscientiously. I never have been a member of a committee that has been working more industriously or more conscientiously on any question than the Committee on Banking and Currency is now working on the present bill. I do not think that legislation as grave and important as this is, which affects the vital interests of every community in the United States and the business fortunes of hundreds and thousands of men, which may result in failure here or failure there if mistakes are made, should be hurried. I think that if the committee does its duty to the Senate and to the country it ought to know from men whose fortunes are involved in the legislation how the provisions of the bill may affect them, not only in one section of the country, but in all sections of the country; and having ascertained that fact as nearly as it can be ascertained, then we should proceed to frame the bill so as to promote the welfare of the country and interfere as little as possible with the normal operations of our business life. With that in view, every member of the committee is working and concentrating his mind upon this great question.

I do not feel that the committee is subject to insinuating criticisms by Members of the Senate. Members of other committees on bills no more important have taken far more time than has been suggested even by the Senator from New York [Mr. O'GORMAN] in the consideration of this measure. So I hope that the committee in its effort to work out the best legislation that can be worked out will have the support of the Senate and the aid and help of Members of the Senate in solving this problem, and not captious criticism because, indeed, it seems to them we are not making the progress that might be made if abler men were in charge of this responsible work.

Mr. ASHURST. Mr. President, it occurs to me that any attempt improperly to hurry the Committee on Banking and Currency would be a most injudicious act.

As has been well said by the Senator from Kansas [Mr. BRISTOW], the Senator from New York [Mr. O'GORMAN], the Senator from Missouri [Mr. REED], and other Senators, this is a question of extreme importance, affecting the very lifeblood, the circulating medium of the country. Knowing as I do that every hour which this great committee devotes to the bill is profitable to the Senate and to the country, I feel that no person should, and that no person has attempted to hurry the committee, because to attempt to hurry it, when it is doing all that a committee can do, would be most injudicious and harmful and might result in an illy considered, misshapen law.

A Senator a moment ago reprobated the unanimous-consent agreements. Mr. President, I do not object to the unanimous-consent agreements. I have, and I am somewhat proud of it, had a part in assisting to secure some of these unanimous-consent agreements. I knew that the Banking and Currency Committee could not be hurried and that it ought not to be hurried. That committee will carefully, calmly, and properly consider the great measure which is before it.

The reason why I have been active in trying to promote certain unanimous-consent agreements was because I felt the Banking and Currency Committee would require sufficient time in which to formulate this important measure and that the balance of the Senate ought to be equally as assiduously at work. Here is the Banking and Currency Committee working six days a week and many hours out of each day, and it would well become the remainder of the Senate to devote its attention to some other needful legislation.

That was one of the reasons why I took a small and unimportant but to me a proud part in assisting to secure the unanimous-consent agreement to consider the seamen's bill. It might be appropriate to reflect at this time that while we were attempting to secure unanimous consent to consider the seamen's bill, the same being a bill which has for one of its purposes the safety of human life and the reducing of the number of accidents to ships at sea, the *Volturno* was on fire, and hundreds of human lives were placed in a perilous position. A calamity was occurring on the high seas to this vessel, and doubtless some lives were lost because seamen were not properly trained in the art or the method of lowering lifeboats.

So I repeat, knowing the Banking and Currency Committee was diligently at work; knowing that no Senators could more earnestly desire to promote the public weal than that committee; knowing that its chairman, the Senator from Oklahoma [Mr. OWEN], is one of the ablest, most learned, and conscientious men in American public life, I justify my activity in attempting to consider other business upon the hypothesis that while that committee was at work the balance of the Senate, the eighty-odd Senators, might proceed to other matters upon the calendar.

In conclusion, I must not be understood by my attitude in trying to promote other needful legislation as in any way attempting, directly or indirectly, to hurry the Banking and Currency Committee. Least of all was it my intention to interpose other business or block and impede the progress of the currency bill when it reached the Senate. I venture the assertion that no Senator thought of interposing other legislation in order to block or impede the progress of the currency bill, but many Senators believed that while that committee was at work the remainder of the Senate should not stand idly by.

Mr. WILLIAMS. Mr. President, I feel like this was about as good a time as any other to take up a few minutes of the Senate to express a few and perhaps unnecessary remarks.

Mr. CLAPP. Will the Senator yield for a moment? While the Senator is on his feet, inasmuch as the bill under consideration has not been referred to yet, possibly the Senator will also include that in the observations.

Mr. WILLIAMS. I will; thank you.

Mr. CLAPP. I should like to have some little discussion of that bill.

Mr. WILLIAMS. As a preface to the consideration of the bill I wish to say that I hope we have not reached a time when it will be regarded as beneath the dignity of any Senator of the United States to be hastened in the great work of the people. I do not say "to be hurried," because "hurrying" is a word involving the idea of confusion and of leaving work not perfected behind it. But I certainly hope that the Banking and Currency Committee will not consider it beneath the dignity of the committee or of any individual member of it to regard the wishes and demands of some ninety-odd million people as a reason for hastening in their work.

Mr. HITCHCOCK. Will the Senator submit to an interruption?

Mr. WILLIAMS. Certainly.

Mr. HITCHCOCK. I wish to state to the Senator that members of the Banking and Currency Committee are now detained on the floor by reason of this discussion. We had a meeting scheduled for half past 3 to listen to a delegation of witnesses who were to appear at that time. We would like to be released from presence here for the purpose of attending that meeting.

Mr. WILLIAMS. I understand that; and I understand also the purpose of the interruption. But prior to the interruption itself the time of the Senate had been taken up explaining why the members of the committee could not be hastened, and so I thought I would suggest the idea that it was not beneath a Senator's dignity to be hastened and not beneath the dignity of a committee to be hastened. The idea of wanting to get through as soon as possible with a great work for which 90,000,000 people are waiting is not and should not be offensive to anybody who is charged with the responsibility and labor in that connection. I do not believe that there is a member of the committee who will so regard it when he looks at it from a reasonable standpoint.

Now, with regard to these unanimous-consent agreements, I was perfectly willing to see unanimous consent given for the consideration of the seamen's bill. That is a bill involving life and death. It involves more than that; it involves the health of sailors on board, the prevention of the overcrowding of the crew, and giving enough cubic feet of atmosphere for a man to breathe and to keep in good health. It is as emergent as almost anything else. It does not cover as broad a scope of ground as the tariff and the currency bills, but within the scope that it does cover its emergency is much more intense.

But with regard to unanimous-consent agreements generally, the Senator from Nebraska [Mr. HITCHCOCK] is mistaken when he thinks that no unanimous consent entered into by the Senate will be later on used for the purpose of blocking the currency bill.

Mr. HITCHCOCK. The Senator from Nebraska has made no observation to that effect.

Mr. WILLIAMS. I meant the Senator from Arizona [Mr. ASHURST]. I beg the Senators' pardon. I was looking at the right Senator, but named the wrong one. There are people in the United States very bitterly opposed to any reformation of the banking and currency laws in this country in the interest of the people. There are people who represent an invisible board of control whose mastership and domination are being threatened by a visible board of control, to be put in control of the issues of currency in this country and the general conduct of its currency business. If the Senator from Arizona thinks there will be nobody here at that time to take advantage of the fact that unanimous consent has been given in order to keep the ball rolling and keep the banking and currency bill off this floor, then he has reached a state of optimism about the United States Senate not justified by its past history. So much for that.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Will the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I yield.

Mr. BORAH. It is the purpose then, I understand, of the majority that no business shall be transacted of any moment except the unanimous-consent agreements which have already been had until the currency bill comes in.

Mr. WILLIAMS. No; I did not say that. My purpose is to have nothing that can block the way after the currency bill comes in to keep it from having full and complete and sufficient consideration and an early vote. If when Senators ask for a unanimous-consent agreement they will couple it with the condition that the privileges of the bill shall cease to exist when the banking and currency bill is entitled to the floor, I shall have no objection.

Mr. BORAH. Are we going to transact any other business between now and the time when the currency bill comes in? May we expect to take up the calendar and dispose of bills which are here, or is it the desire of the majority that those matters shall be postponed? I ask the question for the reason that there are measures here in which we of the West are greatly concerned, and if measures are going to be taken up and considered we would like to get ready to urge those. On the other hand, I am perfectly willing, if I know it to be the policy of the majority, to abide by their judgment until the currency bill does come in. But what are we going to do in the meantime?

Mr. WILLIAMS. I could add nothing to what has been said by the Senator from Kansas [Mr. BRISTOW] or the Senator from Missouri [Mr. REED] and other Senators upon the floor to this effect, that every day spent in session here is a day subtracted from the work of the Banking and Currency Com-

mittee in thrashing out as far as possible the differences there in order that those differences might not have to be thrashed out here later on.

Mr. BORAH. That is all right if that is understood to be the policy. If it is understood that we are not to transact business here, but that we are to give the committee and the Senate the time from now until the 25th to work on this matter, perhaps not very many will object to it, but we have no such understanding. We proceed from day to day, and when we come here we take up matters unexpectedly and consider them. The committee is called out to its work and there is no system of order or procedure marked out in advance at all.

Mr. WILLIAMS. The criticism of the Senator from Idaho is in the main part just, yet there is no way I know of upon the days when the Senate does meet to keep one Senator from talking, or another Senator from calling up a bill on the calendar, or another Senator from proceeding to the measure already agreed by unanimous consent to be considered.

Now, I come to the main business of the day, much to the pleasure, I have no doubt, of my friend the Senator from Minnesota.

Mr. CLAPP. That depends upon how the Senator lines up on the main business of the day.

Mr. WILLIAMS. Every Senator has to wind up at some time. The Senate itself, composed of many Senators, has been known to wind up business at times.

Mr. CLAPP. The Senator misunderstood me; I said "lined up."

Mr. WILLIAMS. I misunderstood the Senator. I thought he used the term "wind up" in the sense of concluding.

Mr. CLAPP. Oh, no.

Mr. WILLIAMS. But the compound verb has two meanings. At one time you wind up in the sense of concluding, and at another time you wind up in the sense of proceeding to talk; and the Senator is a past grand master in both performances.

Mr. SHAFROTH. If the Senator will yield to me, I should like to say a few words on this subject.

Mr. WILLIAMS. Certainly; I yield with pleasure to the Senator from Colorado.

Mr. SHAFROTH. I have been one of the members of the Committee on Banking and Currency who have wanted to expedite the matter of hearings as much as reasonably could be done, but I can not see much profit to come from this discussion with relation to that subject now, because we have fixed on the 25th day of October for the closing of the hearings, and I do not believe that it is possible to change that order. That being the case, we must look to the future for expediting the measure. I felt that there had been a great deal of testimony taken before in the hearings on financial legislation and that a great many volumes had been issued concerning it, and I thought we could get a great deal of the information that we derive now by reading those reports. I therefore favored early closing of the hearings before the Banking and Currency Committee. But I recognize that is over, and the only question now is to determine what we ought to do here in the way of expediting the legislation after the 25th day of October.

When matters are up for consideration here the members of the Banking and Currency Committee come to hear what is going on in the Senate. In fact, there never has been a meeting of the Senate when the members of the committee have not been here to attend the session of the Senate. If you are continually to have these sessions and if you are continually to consider measures in the Senate, the Banking and Currency Committee can never complete its consideration of the bill unless it holds night sessions.

I am not one of those who believe that we should consider other legislation during this session. Ordinarily a governor of a State will call an extra session of the legislature for the consideration of one, two, or three measures and name them, and nothing can be considered at the legislative session except that which was named by the governor. That same power was intended to be given to the President. When the President calls an extra session of Congress and specifies that there shall be the consideration of certain measures, those measures, it seems to me, in deference to the fact that he has the power to call an extra session or not, must be considered by Congress as the proper course to take during that extra session.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Yes, sir.

Mr. SUTHERLAND. Was the currency question included in the call of the President for the special session?

Mr. SHAFROTH. There was no legislation expressed, I understand, in the call of the President.

Mr. SUTHERLAND. Then how does the Senator arrive at the conclusion that the business of the Congress was to be limited?

Mr. SHAFROTH. Because the President delivered two messages, one of which took into consideration the tariff measure and the other took into consideration the currency measure.

Mr. SUTHERLAND. I know; but the President never has suggested that Congress should not deal with other matters?

Mr. SHAFROTH. Inasmuch as the inclusion of one excludes the other, it seems to me that it was evidently the object and the intention of the Executive that those measures at least should be the principal measures which should be considered.

Mr. SUTHERLAND. Then the view of the Senator from Colorado is that the Senate ought to wait, before it does anything affirmatively, until the President tells it what to do?

Mr. SHAFROTH. No; it is not, but when the President is vested with the power alone of calling an extra session and calls it and designates what shall be considered, I think the power ought to be exercised in the same way that legislation is enacted at the direction of a governor when he calls an extra session for the purpose of considering only certain measures.

Mr. LEWIS. Will my friend from Colorado yield to me to respond to the Senator from Utah?

Mr. SHAFROTH. Yes, sir.

Mr. WILLIAMS. The Senator has my consent, which I grant very readily and very graciously.

Mr. LEWIS. I should like the attention of my friend from Utah. The Senator from Utah who has just addressed himself to the Senator from Colorado asked the Senator from Colorado if the President in his call of Congress made any reference to banking and currency legislation, leaving the intimation very clearly that if he had not there was not any duty imposed upon as such as was indicated by the Senator from Colorado.

I desire to say to the learned Senator from Utah that if the Senate is now taking up the question of currency following a call that was limited to the question of the tariff it is pursuing a very respectable precedent. I invite the attention of the learned Senator from Utah to history. In 1897, after the election of 1896, President McKinley convened Congress in special session ostensibly for the object of passing a tariff bill that became known as the Dingley tariff law; and while we were in session in response to what the able President felt was the popular opinion he sent a message to Congress with a view of amending the then banking and currency laws to carry into effect the gold-standard idea which he thought the popular vote at the ballot had expressed. We passed in the lower House of Congress and in this body an amendment, which is now the law, and it was done without the call of President McKinley specially comprehending the question of banking and currency.

Mr. WILLIAMS. Mr. President—

Mr. SUTHERLAND. Mr. President, will the Senator from Mississippi yield to me a moment just for a word?

Mr. WILLIAMS. Very well.

Mr. SUTHERLAND. The suggestion which I made to the Senator from Colorado [Mr. SHAFROTH] was not with a view of insisting that we ought not to take up the currency measure, but it was to obtain the view of the Senator from Colorado upon the suggestion which he had made, that we ought not to take up anything else. The view of the Senator from Colorado seemed to be that the President, having called the Congress originally for the purpose of dealing with the tariff, the Congress ought to devote its time and attention to that subject to the exclusion of everything else; then, the President having sent in another message with reference to the currency question, that we ought to confine our attention to that subject. It seems to me, if Congress is to remain in session, that it ought to do business; that 70 or 75 men ought not to sit here idly in the city of Washington awaiting the action of the Committee on Banking and Currency. We either ought to come together and do whatever business is upon the calendar, sit here day after day and attend to the business of the country, or we ought to adjourn and go home and let the Banking and Currency Committee attend to its duties, and when it is ready to make its report, then the Senate and the House of Representatives can deal with it.

Mr. WILLIAMS. Now, Mr. President—

Mr. SHAFROTH. The attitude of the Senator from Utah would be perfectly justifiable—

Mr. WILLIAMS. I yield to the Senator from Colorado for a moment.

Mr. SHAFROTH. The Senator's attitude would be perfectly justifiable if it were not for the fact that the very proceedings that take place in the Senate every day are the proceedings that cause delay upon the part of the Banking and Currency Committee. We can not determine when the consideration of the

bill by the committee will close. Therefore we can not say with certainty when there will be a report from the Committee on Banking and Currency. This is the same condition identically that follows the calling of every extra session of Congress. When the extra session of 1897 was called by President McKinley, there were three-day adjournments continually from the very beginning until the close of that session.

Mr. SUTHERLAND. Let me ask the Senator a question right there.

Mr. SHAFROTH. Yes.

Mr. SUTHERLAND. Does the Senator from Colorado imagine that his committee will be ready to report before the middle of November?

Mr. SHAFROTH. I hope so, but I can not say.

Mr. SUTHERLAND. Does the Senator think that it will be ready to report before the 1st of November?

Mr. SHAFROTH. No; I do not think it will.

Mr. SUTHERLAND. If that is so, then why does not the Senator endeavor to obtain the permission of the President of the United States for the Senate to take a recess for that length of time?

Mr. SHAFROTH. I am not one of those who confer with the President much; I am not one of the leaders of this House. I am a new Member, and consequently I see no objection to the adjournment for a reasonable time; but evidently, if we are here and hold these sessions we are going to delay the final report upon this bill, and I am urging that view to expedite the matter so as to get the bill before the Senate at the earliest possible time.

Mr. LEWIS. Mr. President—

Mr. WILLIAMS. Mr. President, there is not much advantage about occupying the floor in the Senate except the privilege that it gives of gracefully yielding to interruptions. I therefore always insist that I shall be addressed when I have the floor, so that if my own reasoning and eloquence shall not be projected before the country, the other gentleman shall at least have consent from me for his. Now I yield to the genial Senator from Illinois [Mr. LEWIS].

The VICE PRESIDENT. The Chair also would like occasionally to "get in" on being addressed.

Mr. WILLIAMS. If the President of the Senate would like to "get in," I would yield to him in a moment, but not right now.

Mr. LEWIS. Mr. President, I thank the Senator from Mississippi [Mr. WILLIAMS] for his yielding to me, and as he says he gladly yields and gracefully yields, I respond that there is no action of the distinguished Senator from Mississippi of any kind that is not graceful, and oftentimes he is as graceful as he is fertile in humor and delightful in expression.

I now desire to say to my distinguished friend the Senator from Utah [Mr. SUTHERLAND] that I am one of the Senators to whom he alluded, without possibly having in his mind any particular person. I am one of those who do not regard it wise that the Senate should now take a recess, and I have so expressed myself lately for the following reasons: Could we have had a recess immediately following the passage of the tariff bill, I would have regarded it as prudent.

I think we could then have gone to the country and obtained the views of our constituents upon the banking bill, so that we might have returned here better informed and in every wise better qualified to assume our duties than we now are; but the wisdom of the Senate being to the contrary, at the direction of those who have authority and the right to intimate such, we have now passed the summer; we are now in the fall. The objection I would have now to the Senate taking a recess while the committee is considering the banking and currency bill is because, among other things, of the intimation of the Senator from Mississippi, very correctly stated, that a certain number of gentlemen throughout this Union, who represent an invisible board of control, seem to feel that they can at a distance, by merely hurling anathemas at the United States Senate or the legislative body of this country, frighten it from its duties by either forcing it to surrender its obligations on the one hand, or, on the other, in the discharge of their duties to yield to their particular demands. If these particular gentlemen were content to come before the legislative body and give their views upon a question of which I will admit they are well informed, they would, so far as I am concerned, not only be welcomed—generously welcomed—but their advice received and acted upon in so far as it met the wisdom of a public man in the discharge of his duty under his conscience and under the law; but where they present the attitude to the country of having bullied the Senate, intimidated the body, held us up before the country in execration as lacking wisdom and sense, stating that we are about to do a thing that is disastrous because of lack of knowl-

edge or patriotism, then to take a recess or to permit one at this time would give evidence that we have surrendered to that form of intimidation, that we have been frightened by that set of gentlemen, because they are in great aggregate numbers and represent aggregate strength. Therefore, lest we should give such evidence, I would prefer that we now remain in session and receive the advice of these eminent gentlemen, whosoever they are, from wheresoever they be, and continue our work along the line of our duty as we see it and not now yield, lest we are put in a position of having been forced to abandon a duty that we undertook because of threats of intimidation or of an overshadowing power that is presented by the suggestions of these gentlemen in the different assemblies where they meet. That is my reason why I am one of those who oppose the proposition for a recess at this time.

Now I will yield the floor to the Senator from Mississippi, gladly feeling and gladly admitting that he has some right to occupy it.

Mr. WILLIAMS. Mr. President, any charge previously made against me that I was either hurrying or hastening things has been fully disproven by the course of events; but I need pay no attention to that now. I do confess, however, this morning I was somewhat alarmed by having it said upon the floor of the Senate that after the Senate committee had discontinued its hearings it would take 30 days, with a perhaps—a very strongly emphasized “perhaps” at that—to report back to the Senate a banking and currency bill. I was not very much alarmed because of the banking and currency bill itself, but when I considered the great program before the Democratic Party, with which it must comply or confess itself incompetent, I felt a little bit alarmed about it. I know, and no man knows better, that a great deal of time was unnecessarily consumed in the consideration of the tariff bill. I do not want to say that time was unnecessarily consumed about everything. At the beginning of the next session of Congress we shall have to take up and grapple with the great trust problem of the United States, so called—I say “so called” because nobody knows what a trust is; nobody has ever yet succeeded in defining one, either upon the statute books or otherwise—the great question of semimonopolization of the production of industry. I want everything out of the way by that time.

Mr. President, here comes the originality of my remarks. In order to hasten things as much as possible, I want to get a vote upon Senate bill 192, which is now before the Senate. I think, as a rule, this country has never suffered from too few laws; it has suffered a great deal from too many. I am not in very much sympathy with the idea of letting the Senate do business in the way of passing laws. Except at important times and in connection with important questions, I think the population of the United States would be benefited if Congress did not meet at all; but there must be these emergency questions, and they must be taken care of. This is one of them.

This bill was reported by the Senator from Minnesota [Mr. CLAPP] with amendments, and it seems to be a bill that almost anybody in favor of honest and fair politics ought to be in favor of. It merely prohibits the mobilization of capital in a campaign toward a threatened point; it merely prevents the special interests of this country from accumulating a great mass of capital and sending it to a State which may by its electoral vote decide a presidential election or to a congressional district vitally in doubt. The currency bill is to mobilize the credit forces of the country; this bill is to demobilize the corruption forces of the country. It makes what few exceptions there ought to be, to wit, that the provisions of the bill shall not apply to the payment of bills incurred by a National or State campaign committee regularly authorized and meeting under the law, or to collections made and sent to a State or National campaign committee authorized by law and reporting under the law.

One of the best ways of getting the path clear for the consideration of the banking and currency bill when it shall come into the Senate is to dispose of what few unanimous-consent agreements there are now upon the calendar, this being one of them, and very important from the standpoint of political purity—I do not like that word much; it sounds almost like “puritan”; “political honesty” is a very much better expression.

Then there is the seamen's bill to come up, to take care of the lives of the people. I express the hope that we may have as early a vote as possible upon this measure and upon the other measures that are upon the calendar by unanimous consent, not only because they are right in themselves, but because, after they have passed, there will be, for this side of the Chamber at any rate, an opportunity to put its great program into consummation.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Not right now; in a moment I will. I want to say something seriously, Mr. President, outside of the drift of the remarks I have made in the last three minutes.

I am one of those men who take their democracy almost as their religion. I believe that the Democratic Party has a great future before it, and I believe that it has the capacity and the integrity to take care of that future. I therefore want to see the pathway cleared for it as much as can be. I think it has given to the country the best tariff bill since the Walker tariff bill was passed in 1846. I think that, upon the whole, so far as its general principles are concerned, the banking and currency bill offered is the best banking and currency bill ever offered to any American Congress at any time in the entire history of the United States. I think that the pending bill is in favor of political honesty, and that is the sort of people's rule I am in favor of—the rule of the unbought people, of the honestly taught people. I have never been demagogue enough to believe that the great mass of mankind alone, by themselves, when bought and influenced and taught wrong, were the wisest rulers in the world. I consider them the best because they are the most honest, because they have no axes to grind, and I would rather have them with their comparative ignorance than to have wiser men who have axes to grind; but I think the way to make the rule of the people right is to make the rule of the people honest; and the way to make the rule of the people honest is to cripple, demobilize, and disorganize those who would corrupt the people and thereby prevent the vote of that part of the people who are willing to be corrupted from counting at the elections. I think it is a very good bill, and I hope it will pass.

Mr. BORAH. Mr. President, in view of the suggestion that has just been made by the Senator from Mississippi [Mr. WILLIAMS] and others, that we ought not, until the 25th of October, to transact any business here except that which is already covered by unanimous consent, will not the Senator from Mississippi prefer a request for unanimous consent that the Senate do not transact any other business except those matters which are entered on the calendar?

Mr. WILLIAMS. I will not do that, because at almost any moment some matter of critical importance might be presented to the Senate. Nobody is wise enough, nobody is prophet enough, nobody is statesman enough to say that for two months in advance we shall not consider any business except something specially indicated; but I shall oppose upon the floor of the Senate any request for unanimous consent for the consideration of any measure, unless I believe it to be of the very highest and most vital importance, and it will have to be of high importance for me to believe that it is vital, with my view of keeping the track clear for the banking and currency bill.

Mr. BORAH. Then, as I understand, we are not to transact any business except that which is already provided for, unless it is such business as appeals to the judgment of the Senator as of exceptional importance?

Mr. WILLIAMS. Oh, well, the Senator does not mean that. Of course, when I said “I,” I meant you, too. Any Senator has an equal right with me.

Mr. BORAH. I did not mean it exactly the way the Senator took it, but I supposed the Senator was to some extent speaking for his side of the Chamber. In other words, I should like to know whether it is the desire or expectation of the Senator or of the majority side to take up any matters except those exceptionally important matters?

Mr. WILLIAMS. Well, the Senator is in error. A little before the present administration came into power the Senator from Mississippi did have a sort of glimmering, remote—hardly a hope, but a distant dream—that perhaps he might be of some weight or consideration in connection with what took place on this side of the Chamber; but the Senator has long since given up any idea that he had any right to speak for anybody except himself, and he is now speaking only for himself.

Mr. BORAH. Well, the Senator's usual modesty is getting the better of him. If the Senator from Mississippi will say that that will be the program, I shall rely upon that program to be carried out.

Mr. WILLIAMS. If the Senator wants my judgment upon that question, I think it will be carried out; I think that is what Senators over here think; but that is only my thought concerning their thought and is not their thought.

Mr. BORAH. Well, we seem to have demonstrated the fact that there is no particular program outlined and none to be outlined; that we are to continue along the same line of procedure by incident when it is not by accident.

CONTRIBUTIONS FOR CAMPAIGN PURPOSES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 192) to limit the use of campaign funds in presidential and national elections.

Mr. SUTHERLAND. I am obliged to leave the Chamber, and I desire to say just a word with reference to the pending bill. The purpose of the bill—at any rate, the principal purpose of the bill—as I understand, is to prevent what I think has been a very great evil in this country, the concentrating of a large amount of money in some particular State or States which were regarded as doubtful. With that purpose I am in entire sympathy. As I understand the bill, I am in entire sympathy with it. I was a member of the committee which considered it and was one of those who agreed to the report of the bill, but there are one or two matters to which I want to call the attention of the Senator from Minnesota [Mr. CLAPP], who has charge of the bill. In the first place, it is provided:

That hereafter it shall be unlawful for any person, firm, corporation, association, or committee, or any officer or agent of any person, firm, corporation, association, or committee, to send or to furnish to be sent or transmitted, or to carry or cause to be sent or carried, any money or other thing of value from any State or Territory of the United States to any person, firm, corporation, association—

The act of sending or of carrying is not in any manner characterized. It is made an unlawful thing merely to carry money which is intended to be used for the purposes specified in the bill.

Mr. CLAPP. It is—

Mr. SUTHERLAND. In other words, if the Senator will permit me a moment, it might apply to an express company. It would in terms apply to an express company which was perfectly innocent of any intent of doing anything wrong or improper. I suggest to the Senator that in line 6, on the first page of the bill, after the word "committee," we ought to insert the word "knowingly," so as to read, "knowingly to send or to furnish," and so on.

Mr. CLAPP. Personally to that I would have no objection, although I think the language would excuse an express company or the common carrier, for it reads:

To send or to furnish to be sent or transmitted, or to carry or cause to be sent or carried.

However, I have no objection to the word "knowingly" being inserted. I think all laws should be plain, and unless the Senate objects I would have no objection.

Mr. SUTHERLAND. I wanted to call attention to that, because, as I have said to the Senator, I am obliged to leave the Chamber, and if the Senator in charge of the bill consents to that I have no doubt it will be incorporated in the measure. Now one other suggestion which I desire to make. The penalty clause provides that any person who violates the act shall be punished by a fine not exceeding \$1,000 and by imprisonment for not more than one year.

I think in a statute of this character ordinarily it is a very great mistake to provide that imprisonment must be imposed under any and all circumstances. I had something to do with the preparation of the Criminal Code, and we eliminated from almost every offense the provision for minimum punishment, so as to leave the whole matter in the discretion of the court, and we also eliminated from nearly all offenses those provisions which made it incumbent on the court to impose both fine and imprisonment. The reason why that was done was that we received communications from many of the district attorneys throughout the country saying that the provisions of the law respecting minimum punishments very often resulted in juries returning verdicts of not guilty, because they knew in a given case that while the accused ought to submit to some punishment, to a fine, for example, the offense was not grave enough to justify imprisonment even for a single day, which would entail not so much hardship, perhaps, but disgrace.

Mr. CLAPP. I will say, as I had the honor of serving with the Senator on that committee, that I was rather in harmony with that view, as the Senator will remember. Would the Senator object to this: In line 1, on page 3, strike out the word "and" and insert the word "or," and then, after the word "year," in line 3, to insert "or both, in the discretion of the court"?

Mr. SUTHERLAND. There is no need to say "in the discretion of the court." I suggest to substitute the word "or" for the word "and," and after the word "year" insert "or both." Of course it is in the discretion of the court.

Mr. CLAPP. I will say to the Senator that of course I do not know what the Senate will do with this matter, but I will offer those three amendments as they are reached in order in the consideration of the bill.

Mr. SUTHERLAND. With those amendments, I can very cheerfully support the bill.

Mr. CLAPP. Just a moment. I can not promise the Senator what the Senate will do.

Mr. SUTHERLAND. I understand the Senator has only given expression to his own attitude.

Mr. ASHURST. Mr. President, before the Senator from Utah leaves the Chamber I should like to submit a matter for his attention. I have had the honor and pleasure of serving with him on the Judiciary Committee of the Senate for some months, and I have a high respect for his opinion as a lawyer. I address the question also to the distinguished Senator in charge of the bill [Mr. CLAPP], for I have had no opportunity to confer with him on this point.

I am heartily in favor of this bill. I trust that when it becomes a law, as it ought, it will be an efficacious one, and that men who attempt to violate the law will not be able to escape because of some technicality. Sometimes the Federal courts are extremely technical. The bill, if it becomes a law, denounces the sending of money knowingly or willfully, if the suggestion of the Senator from Utah [Mr. SUTHERLAND] is adopted, from one State to another for the purpose of influencing the election of a President, Vice President, Senators, and so forth. Should not the words "or presidential electors" be inserted? A man might send openly \$50,000 from one State to another for the purpose of influencing certain persons to vote for or against presidential electors, and when indicted for an offense under the statute plead in the Federal court or wait until the evidence against him was offered, and then object thereto on the ground that the statute simply denounces the sending of money for the purpose of electing a "President," and that the money which he sent was for the purpose of influencing the election of "electors"?

Mr. SUTHERLAND. The language of the bill is:

To be used or expended for and on behalf of the nomination or election of a President or Vice President.

I think—

Mr. CLAPP. And the election of electors would be a step toward the election of a President.

Mr. ASHURST. That is the very point I wish to have cleared up. I want no doubt to remain.

Mr. SUTHERLAND. I think that would cover the question of using money for the nomination or election of electors, because, as the Senator from Minnesota has just said, that is a step in that direction.

Mr. ASHURST. The reason why I submit the suggestion is that I introduced a bill in the last Congress which made it unlawful for any person to attempt to intimidate any voter in the matter of selecting a President or Vice President, and I found in my researches that in order to have a law through the meshes of which a guilty man could not escape it was necessary to insert the words "or presidential electors." I submit that for the consideration of the Senator.

Mr. POINDEXTER. Mr. President, if the Senator will yield a minute, it seems to me directly in line with the suggestion made by the Senator from Arizona the point was made here, and I think the Senator from Utah took a very conspicuous part in the discussion, during the trial of the election case of the Senator from Wisconsin [Mr. STEPHENSON]. It was contended at that time that spending money for the election of members of the legislature, or in a primary election of members of the legislature, was not equivalent to spending it for the election of a United States Senator within certain statutes, the question being very similar to the one raised by the Senator from Arizona.

Mr. SUTHERLAND. Mr. President—

Mr. CLAPP. If the Senator will pardon me just a moment, we can very easily dispose of the discussion by offering to insert, after the word "States," in line 8, the words "or presidential electors."

Mr. ASHURST. Yes.

Mr. SUTHERLAND. There is no objection to that; but I should like to reply in just a word to the suggestion just made by the Senator from Washington. The contention in the Stephenson case was made as the Senator has indicated, but I certainly did not participate in that contention. I took exactly the contrary view. I took upon that matter exactly the view I am taking upon this—that it was a step in the direction of electing a United States Senator; and that was the view the committee took. In the investigation of that case we went into all of the proceedings relating to the election of legislators and the primaries which preceded the election, and which had for their purpose the nomination of a Senator.

Mr. POINDEXTER. Does the Senator from Utah recollect what position the former Senator from Idaho [Mr. Heyburn] took on that question? My recollection is that he took the position that it was not a violation of a statute against using

money for the election of a Senator to use money in the election of members of the legislature.

Mr. SUTHERLAND. I do not recall at this moment.

Mr. POINDEXTER. I did not undertake to say that the Senator from Utah took that view, but only that he took part in the discussion. I only mention it to show that lawyers differ upon the subject, and that the point might be raised in the courts, and nobody could tell what view some judge might take of it.

Mr. SUTHERLAND. I do not remember what position the late Senator from Idaho [Mr. Heyburn] took upon that matter, but I do know that the majority of the committee, at any rate, took the other view. I see no reason, however, why the amendment should not be made.

Mr. CLAPP. No; at the proper time I will offer it.

The VICE PRESIDENT. The question is on the amendments proposed by the committee, which the Secretary will state in their order.

The SECRETARY. On page 2, line 11, after the word "national," it is proposed to insert the words "or State."

The amendment was agreed to.

The SECRETARY. In line 14, after the word "national," at the end of the line, it is proposed to insert "or State."

The amendment was agreed to.

The SECRETARY. In lines 15 and 16 it is proposed to strike out the words "transportation and hotel" and insert in lieu thereof the word "actual."

The amendment was agreed to.

The SECRETARY. After the word "national," in line 16, it is proposed to insert the words "or State."

The amendment was agreed to.

The SECRETARY. In section 2, line 22, after the word "person," it is proposed to insert: "Acting for himself, or for or in behalf of any firm, corporation, association, or committee."

The amendment was agreed to.

The SECRETARY. On page 2, line 25, it is proposed to strike out the words "be guilty of a misdemeanor and be punished" and insert "be punished by a fine of not exceeding \$1,000 and."

The amendment was agreed to.

The SECRETARY. On page 3, line 2, it is proposed to strike out the words "less than six months nor."

The amendment was agreed to.

The SECRETARY. On page 3, line 3, after the word "year," it is proposed to insert a comma and the words "and any corporation violating any provision of the foregoing section shall be punished by a fine of not exceeding \$5,000."

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, as I observed the reading by the Secretary, he began on page 2. There seems to be an amendment on page 1.

The VICE PRESIDENT. That was agreed to before the discussion on banking and currency began.

Mr. CLAPP. I move to amend by inserting, after the word "to" where it first occurs in line 6, the word "knowingly."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 6, after the word "to," it is proposed to insert the word "knowingly," so that it will read "to knowingly send."

The amendment was agreed to.

Mr. CLAPP. In line 8, page 2, after the word "States," I move to amend by inserting the words "or presidential electors."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 8, after the word "States" and the comma, it is proposed to insert the words "or presidential electors."

The amendment was agreed to.

Mr. CLAPP. On page 3, line 1, I move to strike out the word "and" and substitute the word "or."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 1, in the committee amendment already agreed to, it is proposed to strike out the word "and" and insert in lieu thereof the word "or."

The amendment was agreed to.

Mr. CLAPP. And in line 3, page 3, after the word "year," I move to insert the words "or both."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "year" and the comma, on page 3, line 3, it is proposed to insert the words "or both."

The amendment was agreed to.

Mr. CLAPP. Mr. President, I now offer the amendment which the Secretary has before him.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the committee amendment, on page 1, line 6, already agreed to—

The VICE PRESIDENT. The vote by which the committee amendment was agreed to will be reconsidered.

The SECRETARY. After the word "transmitted," in line 6, in the proposed amendment of the committee, it is proposed to insert:

Or donate or directly or indirectly give or promise to any other person, firm, or corporation to give any money, or equivalent of any money, which shall be subsequently sent or transmitted.

Mr. ASHURST. Should not that read "provided those gifts are made with the knowledge that they are to be transmitted"?

Mr. CLAPP. The word "knowingly" is already in the bill.

Mr. BURTON. Mr. President, in that connection ought not the second infinitive, "to," be omitted in line 6, so that it will read "to knowingly send or furnish to be sent," instead of "to furnish to be sent"?

Mr. CLAPP. I have no objection to that.

Mr. BURTON. I think that ought to go out.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On line 6 of the proposed amendment, before the word "furnish," it is proposed to strike out the word "to."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CUMMINS. Mr. President, I wish to inquire of the Senator from Minnesota, for information, the meaning and application of the words in the last three lines of section 1 which I quote:

Or campaign funds raised for and sent to a national committee properly reported as required by law.

I do not remember just what the law is on that subject; but, as I recall it, the national committee is required to report the contributions made to it.

Mr. CLAPP. Yes.

Mr. CUMMINS. That report, of course, can not be made until after the contributions reach the committee. Will not this provision, therefore, make the sender of the contribution criminally liable if the national committee does not do its duty and make the report?

Mr. CLAPP. I should hope so.

Mr. CUMMINS. That is the intent?

Mr. CLAPP. Yes. Of course, the law as to gathering and reporting contributions is changing from time to time, and the only thing we could do with that was to make it so that as the law relating to contributions might be changed it would automatically fall within the scope of this bill.

Mr. CUMMINS. But I do not think the Senator from Minnesota quite gathers my meaning. The national committee begins its work. It asks for contributions. Of course, it could not secure a single contribution if the making of that contribution would become criminal in the event that the national committee did not do its duty; for no man would be willing to make a contribution for a campaign if an event over which he had no control whatsoever could make him a criminal.

Mr. CLAPP. But the Senator will bear in mind that at the foundation of this lies the condition that the contribution shall be made knowingly.

The language is "to knowingly send or furnish to be sent or transmitted, or to carry or cause to be sent or carried," and so forth. It seems to me that if the contributor is acting in good faith and the committee is acting in good faith there will be no difficulty about its getting contributions.

Mr. CUMMINS. Mr. President, I do not care whether there are any contributions made or not. There are a good many exceptions here that I do not think ought to be made.

Mr. CLAPP. I rather agree with the Senator.

Mr. CUMMINS. But to enact a law that will permit a national committee to solicit contributions from all over the country, which, of course, must be sent from State to State in order to reach their object, and then to say that a contribution, innocent when made, made for an entirely proper purpose, shall become criminal if the national committee does not make the report required by law, is indirectly to prohibit all contributions to a national fund, it would seem to me.

Mr. CLAPP. Either the Senator misunderstood me or I misunderstood him. The criminality would not attach to a contribution made in good faith by a man to the committee, and the committee subsequently sending it without reporting the contribution. The committee would then be the party offending or whoever of the committee did the act.

Mr. CUMMINS. The Senator from Minnesota knows much more about the bill than I do, because I have given it only hasty consideration.

Mr. CLAPP. The language is, briefly:

That this act shall not apply to * * * campaign funds raised for and sent to a national committee properly reported as required by law.

Mr. CUMMINS. Precisely. If the Senator from Minnesota will listen to me for just a moment, he will see my point. It may be good, or it may not be good.

In the first place, it is made unlawful for any person, firm, corporation, association, or committee to send money from one State to another to be expended for and on behalf of the nomination or election of a President, Vice President, elector of President and Vice President, or Member of Congress.

If the bill were to stop there, of course not a penny could be contributed to a national committee for any of these purposes, except that which was raised in the State in which the national committee was actively doing its business.

But you then introduce certain exceptions. You say that this prohibition shall not apply to the payment of bills incurred by a National or State campaign committee in the fitting out and maintenance of speaking campaigns, and so forth; nor shall it apply to contributions to cover the actual expenses of speakers, and so forth; nor to the expenses of the distribution of literature by a national committee. Then it is provided that the prohibition shall not apply to campaign funds raised for and sent to a national committee properly reported as required by law.

Suppose they are not reported as required by law. Then the person who sent them—it may be months before—instantly becomes subject to the criminal provisions of this statute.

Mr. CLAPP. Mr. President, I think the important thing here is to guard against the improper use of money. The last remark of the Senator brings me back to my first understanding of his question. If a man makes a contribution to a national campaign committee, the law requires that contribution to be reported. If there is such a condition existing between the contributor and the committee that the committee does not report it, I think the contributor ought to be held responsible for it. I do not think the contributor will have any trouble in contributing to a national committee where it is done in good faith.

It has been difficult to frame this bill. There are exemptions here that it would seem we might have avoided; and yet of course everyone understands what is necessary to get bills reported. I think if the bill is weak anywhere, if it fails to accomplish a meritorious purpose, it will be in failure to prevent rather than in limitation upon the honest exercise of the rights that are exempted.

I have no objection to a modification in this respect, if the Senator from Iowa can frame it in a manner that will be more satisfactory. I have no pride of language in this bill.

Mr. VARDAMAN. Mr. President, I would suggest to the Senator from Minnesota that that defect might be cured by inserting, after the word "committee," in line 20, the words "which shall be properly reported by the committee."

Mr. CLAPP. Will the Senator repeat his suggestion?

Mr. VARDAMAN. I suggest that it be made to read, "or campaign funds raised for and sent to a national committee, and which shall be properly reported as required by law."

Mr. CLAPP. I have no objection to that language.

Mr. WILLIAMS. Mr. President, of course the language just suggested does not change the meaning in any degree. What the Senator from Iowa is aiming at is that a person who had contributed funds and sent them to a national committee, thinking himself protected by this exemption, might subsequently find that he was penalized because of the failure of the committee to report, accidentally or on purpose. What the Senator from Iowa really wants is about this:

Sent to a national committee required by law to report.

Then he wants to add at the end of that:

But the members of such committee shall be responsible and penalized if the contribution be not reported as required by law.

Mr. CUMMINS. Certainly. I should like to see those punished who are guilty of the offense, and I should like to see those who are not guilty have some immunity.

Mr. CLAPP. Mr. President, the writing which I have been handed by the Senator is a little difficult to read. I should appreciate it if the Senator would state, on behalf of the committee, the proposed amendment.

Mr. WILLIAMS. I will state it if the Secretary will take it down.

After the word "committee," in line 20, strike out the balance of the language in lines 20 and 21 and substitute the following:

Required by law to report.

Then insert a comma and add the following language:

But the members of the committee shall be responsible and penalized as hereinafter provided if the contribution be not reported as required by law.

Mr. CLAPP. I offer that amendment, Mr. President.

Mr. BACON. Mr. President, I confess that I am not favorably disposed toward the enactment of criminal laws subjecting

men to imprisonment in the penitentiary for transgressions which are not in themselves criminal. I think we are going, not only in this instance, but in many others, too far in the enactment of criminal laws, and subjecting men either to imprisonment or to the annoyance and expense and mortification of having to defend themselves on the criminal side of the court on account of charges which in themselves carry no moral turpitude. I am not in favor of surrounding all of our people with a perfect network of criminal law to such an extent that men in the ordinary avocations of life and the pursuit of their ordinary business affairs can not put out hand or foot in either direction without being in danger of being caught in the meshes of the criminal law.

It is difficult to know exactly what is in this bill, because of the great number of amendments which have been proposed and accepted and adopted, which have not been put into print. As I understand the general purpose of the bill, however, it is to make those who are engaged in the transmission of money in one way or another criminally liable if they transmit money which is intended to be used in furthering the nomination or the election of various officers who are named in the bill, from the President of the United States down.

That, of course, is an object designed to further the general purpose of securing pure elections in this country. All of us want pure elections. I certainly want them myself. I favored the legislation, in furtherance of that purpose, requiring publicity on the part of those who are themselves candidates, not only as to money expended by them but as to money received by them. I have favored the provisions of law which have been proposed and enacted which limit the amount of contributions and the amount of money which may be expended. I favor the general purpose of this legislation; but I think we are going too far when we propose to invade the ordinary business world, and subject to the danger of having to undergo trial, if not actual punishment, men engaged in the ordinary business avocation of transmitting money in one way or another, either by check or draft, through express companies or otherwise, who themselves have no connection with these elections and possibly no interest in the candidates.

Am I correct in all that?

Mr. CLAPP. Will the Senator repeat his inquiry?

Mr. BACON. It is a pretty long one. I do not know that I could repeat it without almost rehearsing what I have already said.

Mr. CLAPP. The inquiry is—

Mr. BACON. I will state it somewhat more briefly than I did before. As I understand the purpose of the bill, it is to subject to criminal prosecution men who are engaged in the transmission of money which is designed to further the candidacy of any man in a nomination or in an election of the various officers specified in the bill.

Mr. CLAPP. Except under certain conditions.

Mr. BACON. I am speaking of it generally, without the exceptions. That is the general purpose; then there are certain exceptions made.

Mr. CLAPP. The object of the bill is to prevent money from money centers being sent into States to influence the election of Congressmen and Senators and presidential electors in those States. I could not put it as well as the Senator from Mississippi put it when he said it was to prevent the mobilization of money where there is a crucial campaign.

I do not think the Senator from Georgia was here the other day when it was stated that every special election between now and the next general election will be of unusual interest and unusual temptation by reason of the benefit that the result may be supposed to bring to the party that can carry the particular district involved. That was one reason for the more immediate pressure of this bill.

The bill exempts the payment of bills incurred by a National or State campaign committee in the fitting out and maintenance of speaking campaigns by a candidate for the office of President or Vice President where a train is fitted out and maintained by the National or State committee. It exempts the actual expenses of speakers sent out by a National or State committee. It exempts the expenses of literature distributed by a national committee. Of course the broad purpose is, where capital is gathered and mobilized, to prevent its being sent and used in crucial, critical districts. The bill goes further than that and seeks to prevent also the sending of money even to influence or secure the nomination of candidates for office.

Of course I realize, as the committee realizes, that this is going into a broad domain; but conditions exist which I do not need to rehearse. I think every Senator knows the conditions that have existed in the past. It does seem as though a State where there are no great capitalists, where there is no great

concentration of wealth, should not be deluged and debauched from any common center of wealth in the political activities of the country.

I share somewhat with the Senator the disinclination to be constantly invading the domain of the citizen, but I believe we have reached a point in this matter where it is justified.

Mr. BACON. I am waiting for the Senator to finish.

Mr. CLAPP. I have finished, unless the Senator has some other question.

Mr. BACON. I was not asking the Senator a question. I had the floor in my own right.

Mr. CLAPP. I understood the Senator to ask me a question.

Mr. BACON. Oh, no. In the course of my presentation of the matter I asked whether I was right, if that was what the Senator meant. He asked me to repeat my question, and I have repeated it, and he has answered it.

Mr. CLAPP. I beg the Senator's pardon. I certainly thought the Senator asked me a question as to what was intended.

Mr. BACON. The Senator thought I had interrupted him?

Mr. CLAPP. Oh, no; the Senator from Minnesota was sitting here in conference with another Senator. The Senator from Georgia was speaking. He put his language in the form of a question, and he looked directly at the Senator from Minnesota.

Mr. BACON. I have repeated it and the Senator has answered it.

Mr. CLAPP. Then I was justified in answering the question?

Mr. BACON. Certainly. I merely wished to know if the Senator was through. I did not wish to interrupt him until he was through.

Mr. CLAPP. Yes; the Senator is through unless there is some further question to be asked.

Mr. BACON. We have now on the statute books, if I recollect correctly, laws which prohibit the contribution by corporations to these elections. I fully sympathize with the purpose of the bill. I certainly desire in every proper way to prevent the electorate from being debauched. I sympathize in every proper way with the preventing of sending a flood of money from any money center or elsewhere to any particular community for the purpose of influencing and controlling an election. Therefore I have favored, as I said, the legislation which we have had along this line, which requires a candidate to make a full exhibit as to how much money he has spent in a campaign and which limits the amount of money which he shall use in a campaign. If I recollect correctly, the legislation which we have had recognizes the right of a candidate to receive contributions, provided those contributions do not swell his expenditures beyond the limitation which the law has placed upon them.

Yet according to his bill, if I read it correctly, if any man sends to a candidate money to aid him in his campaign, the person through whom he sends it will be liable to criminal prosecution and liable to be put in the penitentiary. It seems to me that there is a gross inconsistency in that, and not only a gross inconsistency but a gross injustice.

Mr. President, it is not safe because an evil exists to endeavor to correct that evil by something which may be a greater evil.

Mr. CLAPP. Will the Senator permit an interruption?

Mr. BACON. I will.

Mr. CLAPP. Is there any inherent evil in prohibiting a man from receiving money other than that which is authorized by law and which is to be accounted for?

Mr. BACON. That is not this bill.

Mr. CLAPP. That is this bill exactly. It is hard enough to meet this situation under any frame of law. If the Senator will pardon me, we have our committees. This proposed law recognizes the committees. It recognizes the right of a committee to collect contributions and to use those contributions, but it does seek to prevent the subterranean transfer of money from one section to another, and under the guise of contributions—

Mr. STERLING. Mr. President—

Mr. BACON. I hope the Senator will permit me to go on. I will not occupy very much time.

Mr. STERLING. Very well.

Mr. BACON. I should join the Senator in any legislation which he proposes which will operate upon the candidate to prevent his making an undue use of money in elections. If it is deemed proper to do so, I am willing to go further and join in legislation which shall reach the party who is making the contribution and make it unlawful for a contribution, if you wish, just as we have made it unlawful for corporations to contribute. But the thing that I have in mind is a provision which does not reach either the contributor or the party who is to be benefited, but is seeking to lay the hand of the criminal law

upon an innocent man. I say innocent. You say he must be knowingly guilty, but still, however clear the provision might be, he would be liable when innocent to prosecution, although he might escape conviction. You take a man who has nothing to do with a campaign, who is neither a contributor nor a recipient, but simply the man through whom it is transmitted, and you are making him by this bill the object of the vengeance of the law.

I say, Mr. President, however worthy the purpose may be and however pronounced an evil may be, it is a mistake, in my opinion, to attempt to correct that evil by the enactment of a law which itself may be a greater evil in its effect.

I do not think that the business men of this country engaged in the ordinary avocation of transmitting money from one place to another should be the men who should be subjected to criminal processes of law for the purpose of correcting this evil.

There is one thing certain. It is just as easy to reach the man who makes the contribution as it is to reach the man who carries the contribution, and it is very much better to correct this evil by reaching the man who makes the contribution and say he shall not make it than it is to reach the man who is simply engaged in the transmission of it. The man who is transmitting it is engaged in a regular business in which he is transmitting a great many other things which are not prohibited, and you are putting upon him a burden which it is improper to lay, it seems to me, upon the men engaged in a legitimate business in requiring them to scrutinize every package of money that is transmitted through them or any draft that is bought for the purpose of being transmitted, because while it may be true that upon the trial that man could prove he did not know for what purpose it was designed, yet he is subjected to the annoyance of a trial and the danger of a trial. Sometimes innocent men are convicted. At last it depends upon the judgment of other men.

I am very frank to say while I would go as far as the Senator in my desire to secure pure elections in this country, and I will go as far as he will or as may be deemed proper in the exercise of the judgment of the Senate or of Congress in reaching both the contributor of money and the recipient of money, unless I very much change my mind I am not going to be a party to legislation which will put a man engaged in the ordinary business of banking or in the ordinary business of transmitting money by one agency or another in the position of being subject to prosecution and possible confinement in a penitentiary because of a contribution made by one which we do not approve and a contribution received by another which we do not approve, he being the innocent intermediary through which the contribution has been transmitted.

Unless I change my mind very much, even at the risk of being thought to be unfriendly to the purpose of this legislation, I can not support this bill. I repeat that I am not unfriendly to the purpose of the legislation. I joined in the legislation which made it unlawful for corporations to make these contributions. I joined in the legislation which limited the amount which any candidate could receive and could expend. I will go further and join in other legislation to make it equally illegal, if we can constitutionally do so—I have not looked into that—for a person to contribute. Then let us punish the men who violate that law. I am in favor of the law of publicity, which requires a man to publish not only every dollar which he has received but the name of every person from whom he has received a dollar, and the amount he has received. That is proper legislation. If that is carried out, we will have the means of remedying the evil which the Senator deprecates and which he proposes to remedy by this drastic bill.

I repeat, I am not in favor of extending the criminal law of this country so that men engaged in the ordinary avocations of life, in their ordinary legitimate business, will not know how to reach a hand to the right or to the left without danger of its being stuck into the meshes of the criminal law. I am very much averse to criminal law being applied to anything that has not moral turpitude in it. Sometimes it is necessary to protect our revenue, and otherwise, that it should be done. Sometimes it is necessary in order to protect people from frauds which others not engaged in legitimate business criminally adopt for the purpose of carrying out nefarious purposes. Unless it is necessary, I think it is unwise that the criminal law should be extended to matters which in themselves have no moral turpitude. There is nothing in this which would indicate moral turpitude.

I repeat, Mr. President, it is not a sufficient answer to say that no man shall be convicted unless he has knowingly violated this proposed law. It is not sufficient to say that for the reason while a man may be acquitted he is not protected from annoyance and humiliation, to say nothing of the danger of

being convicted, when he himself may be a perfectly innocent man engaged only in the ordinary avocations of life.

Mr. CLAPP. Mr. President, whatever attitude the Senator from Georgia [Mr. BACON] takes with reference to this bill, no man who knows him will impugn his motive. He is thoroughly alive to these evils, even though he may find it according to his convictions to vote against the bill.

I think in every law that we pass prohibiting the transmission of obscene matter and dangerous articles by express we provide that the carrier, if he knows he is transmitting such articles, is equally guilty. The carrier does not, under this bill, have to examine the package that he is carrying. He does not have to examine the source of the draft which may be sent. Presumably, what he does is legal and proper, but like the case of obscene literature transmitted by express, like the case of dangerous articles transmitted by carriers, if the carrier knows that he is transmitting obscene literature, if he knows that he is transmitting dangerous articles, I do not think there is a law on our statute books seeking to regulate and prohibit the transmission of such articles that does not include the carrier in the offense, if the carrier knows that he is a party to the violation of the law.

Mr. BACON. The Senator certainly would not cite as a parallel case the attempt of the lawmaking power to preserve the morals of the country in the prohibition of the transmission of obscene, vulgar, and equally filthy productions of any kind. The Senator would not consider that a parallel case to this?

Mr. CLAPP. No.

Mr. BACON. The men who would be engaged in sending obscene literature have nothing of that line that is legitimate. It is all of it illegitimate; it is all of it unlawful; all of it calls for the strong hand of the law.

Mr. CLAPP. But the literature that may be sent may not be obscene. The man who was engaged in sending the literature may be engaged in doing something a part of which is legal and right and a part of which is wrong.

I do not care to take advantage of this opportunity to speak of the importance of the purity of the electorate or the evils of the corruption and debauchery of the electorate, but I do not know of anything that in the long history of this Republic means more to the weal or woe of this Republic than the honesty of political activities. I think the man who will send money to debauch an electorate is no better than a man who sends out obscene literature. The man who is carrying money, whether through a banking process or by express, is doing just what the man who is carrying literature is doing. He may carry literature that is good or he may unknowingly carry literature that is bad. He may carry money that is good or he may unknowingly carry money the purpose of which is bad. It is only when it can be shown that he knows he is voluntarily a party that he is to be punished. Underlying all this proposition is the broad question of our right and duty to prevent the sending of money from money centers into other States to be used for these purposes. Owing to the fact that the carrier is an incident to this situation, we can do no less than make him liable if he is knowingly a party to what is recognized as the proper subject of prohibition by law.

Mr. BACON. Will the Senator permit me to make a suggestion?

Mr. CLAPP. Certainly.

Mr. BACON. Of course, in order to convict the carrier, there would have to be an illegal sending, because unless the thing was illegally sent there would be no crime. In order to show that you would have to show who was the sender. You could not convict a carrier unless you could ascertain both the person who sent it and the person to whom it was sent.

Now, they are the people to reach; and if you can reach the carrier, you can reach them. Make it unlawful for the man to send it, if you wish, and then the man sends the money at his own risk. Make the man who receives it the perpetrator of the crime, if he does take it. There you have two men whom you can inspect. Why do you go to the carrier when you can reach both the others?

Mr. CLAPP. For several reasons, which I will explain in a moment. But in the case of obscene literature we have the man who sends it, and we have the man who receives it for the purpose of distribution, and still we include the carrier who knowingly is a party to the distribution of the obscene literature. This is still more difficult. If this carrier is not included, a man may take money in person and carry it to the State where it is to be used. No one in that case has sent it; he has simply put in his pocket his own money, we will suppose. In order to reach that sinister purpose, in order to reach that condition, if we do anything with this matter, we have to do just what we do with the ordinary carrier whom we prohibit, namely, make

the party who carries it and who knows he is a party to it respond equally with the others.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. With pleasure.

Mr. CUMMINS. I do not rise to ask anything with regard to the point now under discussion, but I do want an expression from the Senator from Minnesota upon another phase of the bill. It goes without saying that we are all in favor of preventing the improper use of money for political purposes. I hardly need assert that. But there is danger sometimes in the effort to reach an acknowledged evil of presenting a law which will intensify a wrong rather than correct it.

I put now to the Senator from Minnesota a question. He will observe that the question involves a great problem of government. Suppose Samuel Gompers, as president of the American Federation of Labor, were to send money into the State of New Jersey in order to assist in the election or nomination of a candidate for Congress in that State, the money to be expended, of course, in a legitimate way for speakers or for literature. Would he become a criminal under the terms of this act?

Mr. CLAPP. If the Standard Oil Co.—

Mr. CUMMINS. I did not ask about the Standard Oil Co.

Mr. CLAPP. If the Standard Oil Co. sent money into New Jersey to be used for campaign purposes, they would be guilty under this statute.

Mr. CUMMINS. I took the case of the president of the Federation of Labor. I am asking about things that have been done.

Mr. CLAPP. Exactly; and I am illustrating it with illustrations that have occurred.

Mr. CUMMINS. But the Senator from Minnesota does not answer my question. Does he understand that under those circumstances the officers of the Federation of Labor would become liable to the penal provisions of this act?

Mr. CLAPP. I will answer that very promptly, very candidly, and, I think, very definitely. If this bill becomes a law, any person, firm, copartnership, or corporation that sends money into the State of New Jersey to influence the nomination of a Member of Congress or the election of a Representative or a Senator, or the election of a President or Vice President or of their electors, would be guilty.

Mr. CUMMINS. Then, we have, Mr. President, the peculiar situation, that if the money is sent to and is distributed by what is known here as a Republican national committee or a Democratic national committee, or any other political committee, it may be done without offense; but if any other great society, however altruistic in its purpose, attempts to influence the election or nomination of Members of Congress it becomes an offender against the law.

Mr. CLAPP. No, sir; the committee—

Mr. WILLIAMS. Representing a special interest—

Mr. CUMMINS. This bill does not say anything about "a special interest." It says any person sending any money or causing any money to be sent from one State to another shall commit the offense if that money is to be used to secure the nomination or election of a President or Vice President, or the electors of either, or a Member of the House of Representatives or of the Senate. The committee, however, having charge of this bill saw very clearly that it must make certain exceptions, and the exceptions were made in behalf of recognized political committees. Money may be properly sent to and expended by those committees; but I take it that there are other societies in the country that may properly interest themselves in the public welfare to the extent of taking a part in political campaigns for or against the nomination of Members of Congress.

Mr. WILLIAMS. Mr. President, with the permission of the Senator from Minnesota—

Mr. CLAPP. Certainly.

Mr. WILLIAMS. If the Senator from Iowa will yield—

Mr. CUMMINS. I yield.

Mr. WILLIAMS. The distinction in this bill is perfectly clear. It is the distinction between the receipt of money by a committee required by law to make a report and a committee not so required by law to make a report. This bill does not say "political committee" at all. If a committee of capitalists intending to destroy labor or a committee of laborers intending to destroy capital, not required by law to make a report, shall undertake to mobilize capital and money and to direct it to a particular point for the purpose of accomplishing this object, that falls within the purview of the bill; and it ought to fall within the purview of the bill, for it is subverting a private and class interest at the expense of the general public.

Now, if the Senator will read the provisions of the bill carefully, he will see that the exceptions direct themselves toward committees which are required by law to make a report; and in the amendment which I suggested a moment ago, and which was accepted by the Senator from Minnesota [Mr. CLAPP], that point was maintained.

Mr. CUMMINS. Mr. President, if I may be permitted still further to trespass upon the time of the Senator from Minnesota—

Mr. CLAPP. Certainly.

Mr. CUMMINS. I will say that the view of the Senator from Mississippi as to the subject is a correct view, but that view is not covered by this bill as I read it. Let us get it clearly in our minds. The bill provides:

That hereafter it shall be unlawful for any person, firm, corporation, association, or committee, or any officer or agent of any person, firm, corporation, association, or committee, to send—

I need not read more of that—

to any person, firm, corporation, association, or committee in any other State or Territory of the United States, including the District of Columbia; or from any insular possession of the United States to any person, firm, corporation, association, or committee in any State or Territory of the United States, including the District of Columbia, to be used or expended for and on behalf of the nomination or election of a President or Vice President of the United States, or of any Member of the House of Representatives, or any Member of the United States Senate—

and so forth.

Mr. WILLIAMS. Now, the exception follows it.

Mr. CUMMINS. Just a moment. That is the statement of the prohibitions; that is the declaration of the law, the violation of which makes the person who violates it a criminal. Now, let us see about the exceptions. There are certain exceptions to that, namely:

Provided, That this act shall not apply to the payment of bills incurred by a national or State campaign committee in the fitting out and maintenance of speaking campaigns by a candidate for the office of President or Vice President, where a train is fitted out and maintained by the national or State committee; nor shall it include the actual expenses of speakers sent out by a national or State committee, the expenses of literature distributed by a national committee, advertisements marked as such paid for by a national committee, or campaign funds raised for and sent to a national committee properly reported as required by law.

I make no point as to the latter, because while I have not examined it critically I assume that the amendment suggested by the Senator from Mississippi will cover the point I originally made.

Mr. WILLIAMS. Precisely.

Mr. CUMMINS. But what I am now calling to the attention of the Senator from Minnesota [Mr. CLAPP] is this: That the bill makes it impossible for an innocent person to send money under any circumstances to another innocent person in another State to be used in a political way; that is, to be used for the nomination or election of these various candidates. That will make it impossible for an association like the American Federation of Labor to send any money anywhere, no matter how worthy the purpose may be—that is, in the circulation of literature or to pay the expenses of a speaker—if the object is to affect the nomination of a candidate for Congress or the election of a candidate for Congress. It will make it impossible for the National Association of—

Mr. CLAPP. Woman Suffrage.

Mr. CUMMINS. Woman suffrage—

Mr. CLAPP. I will attend to that in a moment.

Mr. CUMMINS. To send any money. I am simply going over the list. At the same time, it would make it impossible for the National Association of Manufacturers to send any money. The Senator from Minnesota can not segregate the selfish interests and prohibit them without at the same time including the altruistic societies and prohibiting them. If he can find any way in which to do it, I would be very glad to assist in it; but I am not prepared to say, so far as I am concerned, that committees are the only persons who can honestly and for the public welfare expend money in the nomination and election of Members of Congress.

Mr. CLAPP. Mr. President, if the Senator will pardon me, it seems to me there is a complete misunderstanding of this provision.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. CLAPP. I should like to finish my statement.

Mr. THOMAS. What I had to say had reference to the inquiry of the Senator from Iowa.

Mr. CLAPP. Of course, we can not in this bill name the American National Manufacturers' Association—I think that is what the association referred to by the Senator from Iowa is

called—we can not name any particular organizations. The purpose of the bill is to bring political activities as much into the light as they can be brought. The law already recognizes committees, National and State, and any association of American citizens, no matter what their purpose may be, if they desire to take part in the election of Representatives, Senators, the President, and presidential electors may organize their committees. They will then be required to make public their contributions and their disbursements. The same opportunity is offered to the most highly altruistic as to the most partisan political organization. All they have to do is to avail themselves of the law of this country, organize their committees, call them political committees, and then come within the requirements of the law as to publicity.

I am most heartily in favor of woman suffrage, but yet if money is to be sent into a State to influence the election of Representatives or Senators by those who are interested in woman suffrage, if the sentiment back of woman suffrage is to be a political force taking part in political activities in the propaganda preceding the final securing of woman suffrage, then that propaganda ought to be an open, organized propaganda, submitting to the laws requiring reports of receipts and expenditures the same as any other political propaganda.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. Certainly.

Mr. CUMMINS. Is it true that any of these societies could bring themselves into the existing law with regard to reports by simply filing reports? I may be wrong about it, but I did not know that such an organization as the American Federation of Labor, for instance, could bring itself within the statute requiring reports of campaign expenditures and contributions. If that be so, very much of my objection disappears.

Mr. CLAPP. I will answer the Senator very readily. Under the laws of the United States the American Protective Association can meet, call itself a political body, organize its committees, and by making its reports as required of political organizations can come within the exceptions of this bill.

Mr. WILLIAMS. If the Senator will pardon me, they need not even go that far; they need not call themselves "political" at all. All they have to do is to organize a national or a State committee.

Mr. CLAPP. It might be necessary to adopt some name.

Mr. WILLIAMS. They may call it a campaign committee, whether they are responsible to a political party or not. They may enter as a State or national campaign committee opposed to all political parties.

Mr. CLAPP. The fact remains that under this bill any body of American citizenship, whatever their purpose, can avail themselves of the exemptions of this bill by organizing their national and State committees and making public their contributions and expenditures.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. CLAPP. I do.

Mr. THOMAS. The Senator from Iowa [Mr. CUMMINS] asked a question a few moments ago, and the Senator from Minnesota [Mr. CLAPP] answered it by referring to the Standard Oil Co., which was for purposes of illustration; but the question and the answer suggested to my mind what may be a serious objection to this measure, to which I wish to call the attention of the Senator from Minnesota. Such great institutions as the Standard Oil Co. have their headquarters and their business in every State of the Union and every Territory in the Union. As a consequence, if they desire to take part in political campaigns, it is not necessary for them to transmit money from one State to another at all. The money is there. All that is necessary under those circumstances is to dispose of the money as may be desired, whereas in the case of organizations and institutions less widespread in character the prohibition against the transmission of any money is effective; in consequence of which, it seems to me that the bill gives a tremendous advantage to the huge concerns which the bill is aimed to restrict as against a class whose activities do not so much need to be so restricted.

Mr. CLAPP. If the Senator will pardon me a moment, if this bill becomes a law and the Standard Oil Co. through its agencies directs the payment of money in Iowa for political purposes prohibited by this act, and that fact can be established, there can be no question that they would be punishable under the law.

Mr. THOMAS. If this proposed statute goes as far as that, the Senator may be correct—

Mr. CLAPP. Of course, they are prohibited from making any contributions at all.

Mr. THOMAS. But I do not so read it. For instance, the Standard Oil Co. at present consists of perhaps a score or more of corporations.

Mr. CUMMINS. How many?

Mr. THOMAS. Quite a number—a score or more.

Mr. CUMMINS. Thirty-four. The original Standard Oil Co. was divided into 34 corporations.

Mr. THOMAS. These corporations are located and have their domiciles in a great many States in the Union. I do not understand that this bill would reach, for example, a contribution in the State of Indiana by the Indiana Standard Oil Co.

Mr. CLAPP. No; but the law against corporations making contributions would reach them.

Mr. THOMAS. That is another law.

Mr. CLAPP. That is another law, and it is another case from this. This law does not seek to reach that at all.

Mr. THOMAS. I do not see how this bill can reach that situation; and if we have such a law, why the necessity of this?

Mr. CLAPP. The necessity for this is to prevent their sending money from one State into another.

Mr. BURTON. Mr. President, is this not quite different? The statute of 1907 makes it unlawful for "any national bank or any corporation organized by authority of any law of Congress to make a money contribution in connection with any election to any political office." It provides that "it shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which presidential and vice presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator."

The object of the pending bill is to prevent the sending of contributions by an individual from one State into another. Is not that the case?

Mr. CLAPP. That is the primary object. Of course to-day a corporation can not openly make a contribution, but a corporation in one State might in a subterranean way send money to another State. Nobody claims that this law is a cure-all. It is an effort to reach the sinister, subterranean transmission and deluging of districts and States with money from centers where they have it in abundance.

Mr. BURTON. Is it not true that the words "corporation" and "association" are used here out of abundant caution, to repel the existing law?

Mr. CLAPP. Why, of course.

Mr. BURTON. What the bill really includes for the first time is a person, a firm, and, perhaps, a committee. The corporations were forbidden to contribute before.

Mr. CLAPP. They were forbidden to make any contribution.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. CLAPP].

Mr. BURTON. What is that amendment? As I understand, it is on page 2.

Mr. CLAPP. Let the Secretary report it.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, at the end of section 1, lines 20 and 21, it is proposed to strike out the words "properly reported as required by law" and in lieu thereof to insert:

Required by law to report, but the members of the committee shall be responsible and penalized as hereinafter provided if the contribution be not reported as required by law.

Mr. BURTON. I am inclined to think the second provision is rather severe. A political committee is oftentimes made up of a very considerable number of persons, only a few of whom have to do with the disbursement or receipt of money. Two of the statutes already passed on that subject—that of June 25, 1910, and that of August 19, 1911—require that there shall be a treasurer, and that all contributions shall be reported to him; and he is the one made responsible for making these statements.

Mr. CLAPP. If the Senator will pardon me, I think the Senator's position is correct. At least, the previous language would make any member of the committee liable who knowingly did it and I think would free the matter from complications.

Mr. BURTON. It seems to me "required by law to report" covers the case sufficiently. There might be a member entirely innocent of any wrongdoing who did not know of these contributions and who would be penalized by the language suggested by the Senator from Mississippi.

Mr. WILLIAMS. The object of the amendment was to make the members of these committees keep track of what was being done and to punish them if they did not. We have a good deal

of this careless director business and a good deal of other things of that sort in the country. If you undertake to punish merely the secretary or the treasurer, I believe the Senator said, you do what has been done too much all the time.

A number of men are appointed members of a campaign committee, which is a branch subcommittee of a national committee. They surrender the entire management to one man, and he reports, or does not report, as recently happened in the great Empire State of this country. Everybody else claims ignorance of what has happened, as the directors of a bank claim ignorance of the fact that the bank has been violating the law. I think they all ought to be punished—the directors in one case and the members of the committee in the other—because they do not attend to their work.

Mr. BACON. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. Certainly.

Mr. BACON. I simply wish to ask the Senator from Minnesota [Mr. CLAPP] and also the Senator from Mississippi [Mr. WILLIAMS], who are interested in this bill on behalf of the committee, if they are not willing to lay it aside now in order that we may have a short executive session? It is nearly 6 o'clock.

Mr. WILLIAMS. I think it would be better to finish the bill, if we can.

Mr. CLAPP. We are through with all the amendments. It will not take five minutes.

Mr. WILLIAMS. It will not take long.

The repetition of the latter part of that language, "as required by law," I think does not cut much figure. It was repeated for the sake of greater clearness of expression and lucidity of thought. The object of the amendment was to keep an innocent party who had sent money on to a committee which had not made a report as provided by law from being punished and to punish the committee.

I wish to call the attention of the Senator from Ohio [Mr. BURTON] to this matter of common knowledge and common sense: He knows as well as I do that if the members of this committee knew they were going to be punished unless these reports were made, they would see to it that the man who was put in the position of making the report was a man upon whom they could rely to make the report. He would be that sort of a man. There would be no practical difficulty about it at all. He would never dare to fail to make a report of a contribution, partially because he himself would be punished—and, with the divergence of punishment meted out to offenders, he would be chiefly punished—and partially because of the fact that the other men upon the committee would be bound up with him, would be in precisely the same boat, and the very first instructions they would give to him would be that under all circumstances, always, every contribution must be reported.

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator from Minnesota that I hardly think it is a proper thing for us to go on and dispose of an important bill like this, which seems to be the subject of a great deal of doubt in the mind of every Senator, with only a dozen Senators on the floor; and I hope he will realize that it is necessary to lay it aside. For one, I am not willing to see the bill passed with only a dozen Senators present. I think it is an exceedingly questionable bill. I am not satisfied with its provisions, and I am not prepared to vote for it. It seems to me to be very crude and very difficult of comprehension. I for one am not willing to see it enacted into law with only a dozen Senators on the floor.

Mr. CLAPP. The Senator can defeat it, of course.

Mr. MARTIN of Virginia. I do not care to suggest the absence of a quorum, but I thought the Senator would realize the wisdom of laying the bill aside at this time.

Mr. CLAPP. No, sir; I am not willing to lay the bill aside. We commenced its consideration at 2 o'clock. If the bill had been considered continuously, we could have finished it in two or three hours. It was laid aside by reason of a discussion with reference to the action and doings of the Committee on Banking and Currency. We have now completed the bill except for one simple amendment. I can not, in justice—

Mr. BACON. I wish to ask the Senator from Minnesota, with all the amendments which have been made to the bill, if he does not think it ought to be printed, so that we can see what it is before we vote upon it?

Mr. CLAPP. No, sir. Every amendment has been simply to strengthen and make plainer the purpose of the bill. The bill was thoroughly considered in the committee by some of the strongest Senators here, and every amendment but one or two is printed, and they are merely verbal changes. The Senator must either let the bill pass or he must defeat it.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of executive business.

Mr. CLAPP. I suggest the absence of a quorum.

Mr. MARTIN of Virginia. It was to avoid that that I made the suggestion that it would be well to lay the bill aside until it could be taken up when more Senators were on the floor. I do not think two or three Senators ought to legislate for the whole United States.

Mr. SMITH of Georgia. I make the point of order that the call for a quorum ends debate.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Chamberlain	Norris	Sterling
Bankhead	Clapp	Page	Thomas
Bradley	Cummins	Poinexter	Vardaman
Brady	Lane	Sheppard	Williams
Bryan	Martin, Va.	Smith, Ariz.	
Burton	Martine, N. J.	Smith, Md.	

The VICE PRESIDENT. Twenty-two Senators have answered to the roll call—not a quorum.

Mr. CLAPP. I ask that the names of the absentees be called.

Mr. MARTIN of Virginia. I move that the Senate adjourn. The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until Thursday, October 16, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, October 13, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of hosts, Father of all souls, we bless Thee, that the holy of holies is always accessible to Thy children, that all who will may enter in and drink freely from the fountain of life, be exalted, ennobled, purified. Impart unto us grace sufficient unto our needs, that we may live to the full measure of Christian manhood this day. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, October 11, 1913, was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On September 30, 1913:

H. R. 8364. An act to authorize the President to provide a method for opening lands restored from reservation or withdrawal, and for other purposes.

On October 3, 1913:

H. R. 3321. An act to reduce tariff duties and to provide revenue for the Government, and for other purposes;

H. R. 7377. An act extending to the port of Perth Amboy, N. J., the privileges of section 7 of the act approved June 10, 1880, governing immediate transportation of dutiable merchandise without appraisement;

S. 99. An act to fix the times and places of holding district court for the district of Arizona;

S. 2254. An act to amend chapter 1, section 18, of the Judicial Code; and

S. 2727. An act to create an additional land district in the State of Nevada.

On October 6, 1913:

H. R. 1681. An act to extend the time for constructing a bridge across the Red Lake River in township 153 north, range 40 west, in Red Lake County, Minn.;

H. R. 1985. An act to authorize the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 6378. An act to authorize Robert W. Buskirk, of Matewan, W. Va., to bridge the Tug Fork of the Big Sandy River at Matewan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 6582. An act to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia;

H. R. 6635. An act to authorize the county of Hamilton, in the State of Tennessee, to construct a bridge across the Tennessee River at Chattanooga, in the State of Tennessee;

H. R. 7469. An act to authorize the construction, maintenance, and operation of a bridge across the Little River at or near Lepanto, Ark.;

H. R. 7470. An act to authorize the construction, maintenance, and operation of a bridge across Black River at or near the section line between sections 8 and 9, in township 20 north, range 5 east, being a short distance south and east of the town of Corning, Clay County, Ark.;

H. R. 7472. An act authorizing Beaufort and St. Helena Townships, Beaufort County, S. C., to construct, maintain, and operate a bridge and approaches thereto across Beaufort River in Beaufort County, S. C.;

H. R. 7596. An act to increase the limit of cost of the United States post-office building at Beloit, Kans.; and

H. R. 7875. An act to increase the limit of cost of the public building at Augusta, Ga.

On October 7, 1913:

H. R. 5891. An act authorizing the construction of a bridge across White River at Newport, Ark.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the Senate Nos. 8 and 107 to the bill (H. R. 7898) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1913, and for other purposes, and recedes from its amendments Nos. 10, 11, 27, 28, 29, 30, 31, 32, 33, 82, 93, and 97.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HOBSON. Mr. Speaker—

The SPEAKER. The gentleman from Alabama [Mr. Hobson] is recognized.

Mr. HOBSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HOBSON. Mr. Speaker, in the RECORD of October 10 appears the following. I was not present at the time, being absent in Alabama conducting my senatorial campaign.

Mr. MANN. On what page is it?

Mr. HOBSON. It is on page 6159 of the RECORD. I quote the following:

Mr. DONOVAN. Mr. Speaker, in order to remove the charge I made it deserves an explanation or an apology. I had in my mind, gentlemen, our leaders who have been absent from here for more than four months. I had in mind the gentleman from Alabama, whose last appearance here was on the 7th of May, 1913, when he talked upon the subject of economic conditions in the South, and especially in Alabama. Now, that great leader is responsible for the absenteeism, because when men of his type leave this House the new Member, or a Member of a shorter term of service than he, will leave. When that great naval constructor, so to speak, who thinks he is fit to be President of these United States, has taken himself away from his duties in this House, when we have sent out an order by the way of the Sergeant at Arms—

In order to understand that, I will read from the previous column Mr. DONOVAN's remarks that were interrupted, as follows:

Mr. DONOVAN. Mr. Speaker, having only three minutes, I prefer not to be interrupted. We are saying a great deal here about the employees. There ought to be a word said about ourselves. I had stated the other day that our leaders, so to speak, were in fault as to the conditions here on account of absenteeism.

And then again on page 6174, in the RECORD of the same date, is found the following:

Mr. DONOVAN. Mr. Speaker, I read from an editorial in the Bridgeport (Conn.) Farmer of September 20 the following:

"When a Congressman runs away from his work and is consistently and frequently absent from the scene of his duties, he defrauds the people of that which he agreed to give them. He does wrong."

Then, again, a little farther down in the same column, he proceeds:

Some few days ago I called attention to the fact that some of the leaders had practically abandoned their duties here and left the management of the business of the House to new men. A great currency measure was up for action, and at the same time a great tariff bill, that had taken months to construct, had come into the House with the Senate disagreeing.

And then farther down in the same column is the following: A most noticeable absentee was one who is considered by himself to be presidential timber.

I do not suppose the record of the Clerk can notice the laughter of the reader to inject there.

A most noticeable absentee was one who is considered by himself to be presidential timber, and who is, perhaps, one of the most able ones amongst us. He has been seen here once or twice since about May 7. Now, when this great mind from Alabama absented himself from his duties and left the affairs of the Nation to new Members,

how can it be expected that some of the new Members will not feel that the country will surely run along without them if it can run along without the services of the gentleman who is considered of presidential timber? We were called here by our President on April 7 last; and what an example it was that this naval constructor, who would have a battleship in every man's front yard, remained with us until May 7, when he left us as though the session was over as far as he was concerned? What sort of a condition would we have here if every Member who has been here a lesser number of terms should absent himself in the same way?

Now, there has been a daily absenteeism that averages 250 Members for several weeks past.

Honor should at least dictate that they who can not attend should resign or do their duty as they promised by their oaths. They receive good pay and are honored by being Members of the National House, to say nothing of the prestige it gives a Member to be sent to Congress. It is likewise true that absenteeism is prevalent amongst the older Members of the minority. What a spectacle for one of the great leaders, Mr. GARDNER, of Massachusetts, to take himself away in the middle of July, seeking other honors and another position.

And so forth.

Mr. Speaker, the press dispatches of the next day took up the same matter. I quote from the Birmingham Age-Herald of October 11 briefly. The headlines are:

CONGRESSMAN DONOVAN ATTACKS HOBSON FOR ABSENTEEISM FROM HOUSE—ALABAMA CONGRESSMAN ALLUDED TO AS THE "GREAT NAVAL CONSTRUCTOR" WHO HAS BEEN ABSENT FROM POST SINCE MAY 7—MINORITY LEADER MANN DEFENDS MISSING CONGRESSMAN.

[By C. E. Stewart.]

WASHINGTON, October 10 (special).—An echo of the Senatorial fight in Alabama was heard in the House to-day when Representative DONOVAN, of Connecticut, vigorously attacked RICHMOND PEARSON HOBSON for absenteeism.

Mr. DONOVAN did not refer to Mr. HOBSON by name, but alluded to the "gentleman from Alabama, the great naval constructor," who, he said, had been absent from his post since May 7.

Then the item proceeds:

"Any Member of Congress who remains away from his duties is defrauding the people of the United States out of the money they pay him as salary," charged Mr. DONOVAN.

That is quoted from an Alabama paper. Again, on the same day, I quote a local paper to indicate the interpretation of the press in the report that went to the country at large. I quote this from the Washington Post of October 11, under the heading—

CALLS OFF CLAYTON—PRESIDENT'S REQUEST TAKES HIM FROM SENATE RACE—BIG BOOST FOR UNDERWOOD—JUDICIARY CHAIRMAN IS BADLY NEEDED IN THE HOUSE, SAYS WILSON—REGARDING MR. WILSON AS PARTY LEADER, MR. CLAYTON WILL YIELD—HOBSON WOULD THEN BE ONLY OPPONENT OF THE AUTHOR OF THE TARIFF BILL TO SUCCEED THE LATE SENATOR JOHNSTON—DONOVAN ATTACKS HOBSON.

President Wilson yesterday gave a big impetus to the candidacy of Representative OSCAR UNDERWOOD, the Democratic leader, for the United States Senate from Alabama. Through the personal efforts of the President, Representative HENRY D. CLAYTON has decided to withdraw as a candidate for the Senate. This leaves the field to Mr. UNDERWOOD and Representative RICHMOND PEARSON HOBSON, one of whom will probably succeed to the place made vacant by the death of Senator Joseph F. Johnston.

A little farther down in the same paragraph appears this statement from Mr. DONOVAN. I shall not take the time to read the President's letter and other matters that are not relevant to the matter at issue. The caption of this subhead is "Defrauding the people," says DONOVAN, and then it proceeds:

An echo of the senatorial fight was heard in the House yesterday. Representative HOBSON was attacked by Representative JEREMIAH DONOVAN, of Connecticut, in the course of a speech denouncing absenteeism. He did not mention Mr. HOBSON's name, but addressed his remarks to "the gentleman from Alabama, the great naval constructor." Mr. DONOVAN said that Mr. HOBSON had been absent from his duties since May 7.

"Any Member of Congress who remains away from his duties," said Mr. DONOVAN, "is defrauding the people of the United States out of the money they pay to him as salary."

Some Members of the House interpreted Mr. DONOVAN's remarks as a direct accusation against Mr. HOBSON.

Mr. Speaker, the gentleman mentions that for some weeks the average absenteeism has amounted to 250 Members. Now, I would not have troubled the House if he had simply included me with those.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman has not stated a question of personal privilege.

Mr. HOBSON. If the gentleman will permit me, I will state it.

Mr. MANN. If the gentleman desires to address the House I think the House is perfectly willing to hear him.

Mr. HOBSON. I will state the question of personal privilege. I was coming to that. It is because my name is used specifically and because of such words as those which I have read and which the gentleman heard, "Defraud the Government" and "Honor should at least dictate that they who can not attend should resign or do their duty," that I rise to a question of personal privilege. Mr. Speaker, those references now directly involve a question of personal privilege, and I desire to address the House thereupon.

Mr. MANN. But, Mr. Speaker, I do not think the gentleman has raised a question of personal privilege. If any gentleman

on the floor had used language that was derogatory to the gentleman from Alabama, that language was subject to a point of order at the time, and could have been taken down, and the gentleman even punished by the House for the use of it. But when the House did not do that it is too late to raise a question of personal privilege on it. However, if the gentleman desires to address the House, and if, as is apparent, a certain situation in Alabama is introduced into the House, I submit that if my distinguished friend from Alabama [Mr. HOBSON] addresses the House, the other two candidates for Senator in the House should have an equal opportunity to speak.

Mr. HOBSON. I shall certainly raise no objection.

The SPEAKER. The Chair does not care how many Members address the House, if they can put themselves in a position where they are entitled to address it; and the Chair thinks that the gentleman from Alabama [Mr. HOBSON] has stated a question of personal privilege. The charge is made almost in the language of the rule itself.

Mr. MANN. I was going to suggest—

The SPEAKER. The gentleman will suspend for a moment. The charge goes to the conduct of the gentleman from Alabama [Mr. HOBSON] in his representative capacity, and that is the language of the rule.

Mr. MANN. But, Mr. Speaker—

The SPEAKER. Now, if the Washington Post or any newspaper in the country wanted to attack any Member of this House for things done in his personal capacity rather than his representative capacity, that would not furnish any question of privilege; but the offense charged against the gentleman from Alabama [Mr. HOBSON], both by the gentleman from Connecticut [Mr. DONOVAN] and by these newspapers, is that he is derelict in his duty as a Member of the House and is defrauding the Government out of his salary; and if that does not raise a question of privilege, the Chair can not understand what would raise one.

Mr. MANN. Mr. Speaker, before the Speaker finally rules let us see. The language used by the gentleman from Connecticut, which is the basis of the newspaper article, was that Members who were absent were defrauding the public. Can each one of the Members who has been absent during this session of Congress rise to a question of personal privilege based upon that, and first make a statement as to how long he has been absent and when; and second, argue the question as to whether he has defrauded the public?

The SPEAKER. The Chair would not hold anything of the sort, but—

Mr. MANN. The gentleman from Alabama [Mr. HOBSON] is no different from the other Members.

The SPEAKER. He is in this different situation from the other Members. This matter divides itself into two parts, one what the gentleman from Connecticut [Mr. DONOVAN] said and one what these newspapers said; and while the gentleman from Connecticut did not say "RICHMOND P. HOBSON," or "the gentleman from Alabama, Mr. HOBSON," he described him, so that—

Mr. MANN. I think the gentleman from Alabama could plead not guilty on this description. He is described as a great naval constructor, and certainly the gentleman could plead not guilty on that.

The SPEAKER. The Chair is not certain whether he could plead not guilty on that. If a Member were to get up in this House and not say anything except to call for the naval constructor who is a Member of this House, everybody would know that it was Capt. HOBSON whom he was talking about. Now, we have what the gentleman from Connecticut [Mr. DONOVAN] said, and then these newspapers came out and called him by name. It makes no difference what made them do it. Some of them, no doubt, had malice and some of them simply did it because they wanted to create a sensation; but, anyhow, the papers named Capt. HOBSON by name and charged him with defrauding the Government out of his salary.

Mr. MANN. But the gentleman from Connecticut, as far as he charged anything, based it upon the newspaper report that all absentees—

The SPEAKER. Well, but leave the gentleman from Connecticut [Mr. DONOVAN] entirely out of this question—

Mr. MANN. Can each one of these Members now argue the question here as to whether he is defrauding the public by being absent? That is a matter of argument.

The SPEAKER. Suppose the Washington Post should charge the gentleman from Illinois [Mr. MANN] with getting money out of the Government on false pretenses, under some pretext?

Mr. MANN. I should consider it beneath me to rise to a question of personal privilege.

The SPEAKER. The gentleman might consider it beneath him, but it is a question that goes to the integrity of the Member.

Mr. MANN. But these charges are made in the House. No quotation has been made here from any newspaper except to state what took place in the House.

The SPEAKER. I know, but the gentleman from Alabama [Mr. HOBSON] has read from two newspapers, one the Washington Post and one the Birmingham Age-Herald. The Birmingham Age-Herald had great headlines stating that the gentleman from Connecticut, Congressman DONOVAN, attacked HOBSON; and then the article went on to state what he attacked him about, defrauding the Government. The Chair does not have any doubt about that being a question of personal privilege, leaving the gentleman from Connecticut [Mr. DONOVAN] and his speech clear out of it.

Mr. MANN. I shall endeavor to confine the gentleman from Alabama purely to the question of personal privilege, unless we reach an agreement as to time, and so forth.

The SPEAKER. The gentleman from Alabama would relieve the situation, as far as the gentleman from Illinois is concerned, if he would ask permission to address the House.

Mr. HOBSON. I will put it in that form, Mr. Speaker, in order to relieve the situation.

Mr. MANN. How much time does the gentleman desire?

Mr. HOBSON. I do not know. I think it will take me 30 or 40 minutes, Mr. Speaker. I ask unanimous consent—

Mr. MANN. Make it an hour.

Mr. HOBSON. Well, a Member rising to a question of personal privilege is allowed an hour, but I ask unanimous consent to address the House for one hour.

Mr. MANN. I couple with that the request that the gentleman from Alabama [Mr. CLAYTON] and the gentleman from Alabama [Mr. UNDERWOOD] have permission to address the House for one hour each.

The SPEAKER. But they have not asked permission of the House. If either one of them should ask permission to address the House, the Chair has no doubt in the world that it would be granted.

Mr. MANN. But I ask unanimous consent.

The SPEAKER. The gentleman from Illinois asks unanimous consent that each of these three gentlemen be permitted to address the House for one hour.

Mr. FITZGERALD. What was the request?

The SPEAKER. That the three gentlemen from Alabama mixed up in this senatorial matter shall each have an hour to address the House.

Mr. DENT. I object to the request of the gentleman from Illinois.

Mr. MANN. They do not have to address the House unless they want to.

Mr. COOPER. Mr. Speaker, I think the gentleman from Illinois will modify his request when he is reminded of the fact that the gentleman from Alabama [Mr. CLAYTON] has formally withdrawn from the senatorial contest.

Mr. MANN. I did not know that; but that being the case, I will modify the request and ask that the gentleman from Alabama [Mr. UNDERWOOD] have an hour in which to address the House if he wishes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has not intimated that he wanted to address the House.

Mr. MANN. But he might if we get into the senatorial situation.

The SPEAKER. The gentleman from Alabama [Mr. HOBSON] asks unanimous consent that he may address the House for an hour. The gentleman from Illinois modifies the request of the gentleman from Alabama by including in it one hour for the gentleman from Alabama [Mr. UNDERWOOD] if he wishes to address the House for that length of time, or any time within the hour.

Mr. DENT. I will withdraw my objection.

Mr. DONOVAN rose.

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. Reserving the right to object, I would like to have coupled with that leave for me to speak 10 minutes following the distinguished gentleman—

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] couples with that the right to speak 10 minutes after the other gentlemen have got through.

Mr. DONOVAN. Mr. Speaker, I had not completed my request.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. I desire to have 10 minutes to follow the distinguished gentleman from Alabama, who has seen fit to return to his post.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] couples with that the request that he be permitted to speak 10 minutes after the gentlemen have concluded. Is there objection? [After a pause.] The Chair hears none.

Mr. HOBSON. Mr. Speaker, this question of personal privilege brings up first a question of fact which is very easily settled. The gentleman from Connecticut makes the first statement that I was absent from the House and have been absent continually since May 7. In the next quotation he said that I had been back once or twice. I desire to make the statement that I was here on May 8, 9, and 10, June 23, 24, 25, 26, August 26, 27, 28, September 16, 17, 18, 19, 29, and 30.

I notice that September 30 comes very near to the date of the gentleman's speech, and I may mention to him that I was not only present but I actually made a speech of a whole minute in length barring the part that was taken up by an interruption. The gentleman's remarks included the assumption that I was away during the preparation and passage of the tariff bill and the currency bill. Mr. Speaker, I was here during that time.

Mr. DONOVAN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I do not want the gentleman to injure himself.

The SPEAKER. The Chair wishes the gentleman would speak a little louder.

Mr. DONOVAN. Mr. Speaker, I intended to be courteous—

The SPEAKER. Yes; but the Chair could not hear what the gentleman was saying.

Mr. DONOVAN. I will try and emphasize it. I wish to save the gentleman from injuring himself, if he will permit an interruption.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. HOBSON. Very gladly.

Mr. DONOVAN. The gentleman from Alabama is starting off wrong by saying that I had suggested that he was absent during the tariff bill or the preparation of the tariff bill. There was no such statement.

Mr. HOBSON. I will correct that, for I will say that the tariff bill passed before the 7th of May. The statement in the gentleman's speech was:

Some few days ago I called attention to the fact that some of the leaders had practically abandoned their duties here and left the management of the business of the House to new men. A great currency measure was up for action, and at the same time a great tariff bill that had taken months to construct had come into the House with the Senate disagreeing.

Now, Mr. Speaker, this Congress was called together for the express purpose of the preparation and passage of these two great measures, and by our caucus action and by the action of the House practically all other business, with a few exceptions, has been excluded from the business of this session. I desire to state that I was present continually during the caucus proceedings and the preparation of the tariff bill. I do not mean to say that I was in the caucus personally all the time, but I was here expressly to attend that work and did so attend. I wish also to state, Mr. Speaker, that while I did not remain here for the general debate upon the tariff bill—and all gentlemen realize how few Members, exceedingly few, do so remain, because in general debate the subject is not confined to the bill itself—I came expressly for the purpose of taking part in the consideration of the tariff bill in its second reading under the five-minute rule. I was present through that consideration. I was present when the tariff bill passed.

I wish also to state, Mr. Speaker, that I came expressly for the purpose of taking part in the caucus preparation of the currency bill, and did so take part. I wish to say also that I was here and came expressly for the purpose of taking part in the consideration of the currency bill under the five-minute rule, not coming for the general debate for the reasons stated above. I did take part finally in the consideration and second reading of that bill and voted on the bill.

I wish further to state that I came to Washington expressly for the purpose of hearing the President's special message upon the relations with Mexico. I wish also to state that I came expressly to Washington and was here when the tariff bill came back from the Senate, and I took part in and voted upon the report of the conference committee.

Mr. Speaker, to put it briefly, I find that since May 7 I have voted upon 13 roll calls, and I was paired on all of the roll calls that I missed. I will not add the roll calls in the caucus. I was here, as far as I know, on every important bill except this last deficiency appropriation bill, which is nonpartisan. I wish to say, furthermore, that even upon the routine matters and unimportant roll calls there was not a day when I did not have my position as a Democratic voter with my party protected by a pair.

Mr. Speaker, while I was looking at these matters I thought I would see what the gentleman from Connecticut had been doing. I find that he failed to vote on a roll call on May 9 on the question of no quorum—on the second roll call on May 9. I note that he failed to vote on a roll call on June 27 and on a roll call on July 9. I may remark incidentally that upon those roll calls I find I was present and voted. Perhaps that is the reason the gentleman did not know that I was present. On July 22 he failed to vote, and again on July 22 on a roll call; and on July 23 he failed to vote, and on July 24. I notice this, Mr. Speaker, that in these eight cases where he failed to vote he had no pair and did not protect his party by having such a pair. I do not know that I would have been away from Congress at all—I will not say that, either; but, generally speaking, when important matters are liable to come up—unless I had gotten a pair.

The gentleman referred briefly to the new Members and their inexperience. It just occurs to me that perhaps in charity I might mention this. Perhaps the gentleman's experience has not been sufficient yet for him to find out respecting pairs, or, if he has found out, perhaps he thought, being so inexperienced, it did not matter very much whether a new Member was paired or not.

Mr. Speaker, while I was absent, I think it is due this House that I should tell it, that part of the time I was conducting a senatorial campaign in Alabama and part of the time I was lecturing, and if any gentleman would like to know the fractional part of the time, or anything further about these lectures, I would be glad to tell him; and I would like to say about my lectures generally, that they are like the Speaker's, subject to cancellation, subordinate to public duty. I want to say that during part of my absence I was also in the sixth district of Alabama conducting an expedition of Government experts through my district, the greatest experts in the world on farm sanitation, being the third of a series of expeditions that I have taken through my district when Congress was not in session. This time Congress happened to be in session, and I had to break away before this last expedition was completed to come back to one of the important votes to which I referred. I may mention incidentally, Mr. Speaker, that the first expedition to my district—and it is a rural district—dealt with plant life, and the Government's great experts dealing with plant life applied the principles to soil fertility, to crop rotation, and so forth, and preparation for the coming of the boll weevil.

The second expedition took account of animal life, and the great experts in the Government interpreted the principles of animal life as applied to live stock, cattle, hogs, poultry, the dairy, and the like, and the question of farm management, the balancing of animal industry with plant industry, and making farming a real business enterprise, and again took up the question of preparation for the coming of the boll weevil. I may mention incidentally in regard to the boll weevil that my district began preparation for the coming of the boll weevil six years before it arrived. It is perhaps—I do not say absolutely, but it is as far as I know—the only district in the United States that has ever been prepared for the boll weevil or even approximately prepared for the boll weevil before it arrived. Enter Alabama on the Alabama Great Southern Railroad, coming from Meridian, Miss., the railroad strikes the State line in one of my counties—Sumter County. On the Mississippi side of the line it is devastated by the boll weevil and the moment you cross the Alabama line it is blossoming like the rose. I mention that fact to gentlemen who may be interested in such matters. Now, the expedition I helped to conduct this year was devoted to human life.

The first was plant life, the second was animal life, and the third was human life, and, as I said, we had the greatest experts in the world, and this expedition demonstrated how, by the simple precaution of providing for the disposal of human waste—human excreta—we could save 1,200 to 1,500 deaths from typhoid alone in the rural districts of Alabama every year, and we could save thousands and thousands of babies who die in infancy. By simple precautions against the malaria mosquito we can practically eliminate malaria, chills, and fever. This will be of great value to my people. I mention this incidentally, because I want the gentleman from Connecticut, and also my colleagues here, whose opinion I cherish very highly, to realize that even though I am not here answering roll calls on unimportant matters I am not necessarily neglecting my duty or defrauding the Government.

Mr. DONOVAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. HOBSON. Very gladly.

Mr. DONOVAN. The basis of my premise was that the gentleman was such a valuable man I wanted the gentleman among us, and I made my appeal along that line to bring the gentleman back.

Mr. HOBSON. I am delighted to hear it, and I will proceed at once to make my return valuable to the gentleman, and I think it will be something interesting before I get through. Mr. Speaker, I do not care to pursue further the question of the gentleman from Connecticut [Mr. DONOVAN] and his charges. I think, though, that they could be summed up in very simple language. There were the records to verify that I was here. There were the roll calls where I was registered as being here in the transaction of practically all the important business of the House. The gentleman has made specific charges which the facts do not substantiate. His charges are false and there is no excuse that I can see for making them so.

Now, Mr. Speaker, I think the time has come for me to tell my colleagues about this question of so-called absenteeism and the question of my lecturing, and then very briefly about my interpretation of my duty. I concede that each one of us has the right to interpret his own duty for himself. We are not schoolboys. Our duty is not that of answering roll calls. Our duty is not that of routine. Just a few weeks ago—four weeks ago—in Clay County during my campaign a country school was awarding its medals. They honored me by allowing me to pin the gold medals upon the breasts of five little pupils who went the whole winter season—one of them lived 5 miles away—during all the inclemency of the winter weather without missing a single roll call. They far outstripped even the gentleman from Connecticut in his record since the 7th of May in the matter of answering roll calls. I may mention incidentally here that I used to give in the olden days perhaps too much importance to roll calls and the letter rather than the spirit. If I remember correctly, I went through Annapolis four years and, with possibly one exception, I am not clear about it, but I think it was when I had a boil on my neck, I never missed one roll call or one practice exercise or anything else.

And the Government sent me abroad with other colleagues to take postgraduate work. I was three years in Paris with no one to report to, absolutely in the heart of that city without any superior officer. The Government thought well enough to trust me there, and I thought enough of the responsibility to go through with the record, that never once in those three years did I miss a single lecture or a single practical exercise. And I will tell, incidentally, my friend from Connecticut [Mr. DONOVAN] that it was over there that I was studying shipbuilding, marine engineering, and naval architecture. That is where I gathered the timbers for "the great naval constructor." But I do not know where I got the timbers that make me presidential size. I suppose the gentleman will locate those some of these days.

But, Mr. Speaker, as I say, we are not schoolboys. I think it is unfortunate that I practically am driven to tell my colleagues what my simple philosophy in life is. I believe that a man should render a maximum of useful service to his fellow man in his day and generation, and he alone, with his own conscience, being honest with himself, must work out what in his best judgment at various times will contribute that maximum. [Applause.]

I am trying to follow that little philosophy in my work in Congress. I put the important action of Congress first and foremost, and I would leave any occupation that I can think of, anywhere, to come and take part in this first duty where it affects important legislation for the country.

But I not only look upon this public office as a public trust, but I look upon it as an opportunity to serve. I have been doing my little best to try to get in the maximum of useful service during my career in this House. I know that I leave at times to lecture. I want my colleagues to know this, that I never fix a regular lecture tour in a regular session of Congress. My regular lecture period is confined to the chautauquas in the summer and to the lyceum in the autumn months when Congress is not in session. When there are extra sessions of Congress—as a rule it has been my experience thus far—there is special business to transact and that special business only, and that the House transacts that business first, and then marks time until the Senate follows. During that time I have looked upon it as though it were a recess of Congress, but always holding myself ready to come back at a moment's notice where anything important arises. Now, in regular sessions I sometimes go out for the Christmas holidays. That is the nearest to being a regular lecture trip. Not infrequently I go out at week ends, very rarely in the middle of the week, to make a special address on a special occasion.

Now, if my colleagues want to find out any more about my plans and my practices, I have kept a diary, which may be imperfect in some cases on account of cancellations, but I think on the whole I could tell them just where I was, and if anybody wants to know I will be glad to show him.

Mr. Speaker, I do not claim to have done much in my three completed terms in this House. I do not believe that my colleagues on the Naval Committee, when the essential work of that committee was being performed, would intimate that I had not done my duty there. I am on the subcommittee to prepare the naval appropriation bill. That is perhaps the most onerous bill of all the regular supply bills prepared by standing committees. It is always one of the last bills completed. I am chairman of the special subcommittee to conduct the difficult and intricate scientific investigations on ordnance matters, and not infrequently these matters take me away from Congress.

In the Committee on the Election of President, Vice President, and Members of Congress I had my little part in helping to frame a report and then passed the joint resolution for the election of Senators by the direct vote of the people.

I have been chairman of three special investigating subcommittees of that committee. One of them was the Committee on Woman Suffrage. Some one said, "You will rue the day when you got on that committee." Well, Mr. Speaker, I will say this: We differ in judgment. My mind in any investigation of that kind remains open, but I simply want to announce here the general proposition that as I go along I make it a rule to try to find out the truth and not only to do it diligently, but in humiliation and prayerfully. It is hard to find it out, but I want to say that when I do find it out, I try to stand by it. [Applause.] Loyalty to the truth is the test of a man.

And I have been chairman of the special subcommittee to investigate the question of popular nomination of President and Vice President, also of a special subcommittee to investigate the question of direct election of President and Vice President. I do not believe my colleagues on the committee would say that I have not done my share of the committee's work.

Then on the Committee on Education, it is true, we had no chance to work collectively; it has been a more or less inactive committee; but I will say here that I have put in as hard work along that line, perhaps harder than in any line of investigation that I am trying to make. In fact, I am endeavoring, so far as I can, to help in my little way to have the machinery of this Government develop the educational side and in the end, without interfering with its political activities and operations, to become a great engine of education. It was with that idea that these expeditions were organized.

But, further than that, I am trying to bring about a condition where the Agricultural Department will not only issue the technical bulletins available to any, but will also conduct correspondence courses in scientific agriculture, so that any poor boy or any poor man in this country, without paying a cent, by merely giving his name in, can carry on a course of instruction and equip himself to become a scientific farmer.

I would also do what I could to bring about a condition whereby the Department of Commerce would conduct business courses, so that a poor boy or a poor man could take a business course of instruction. And I would have the Department of Labor conduct courses in the trades and mechanic arts, so that any wage earner, any poor man engaged in a trade, could learn from the hands of his Government, without cost, how to become skilled and expert.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. SHARP. Recalling a very pleasant and profitable trip that I took with the gentleman from Alabama, witnessing some armor tests, some months ago, I will ask the gentleman if he does not think his plan could be put into effect to a great deal of advantage among the enlisted men of the Navy, the men who are now paying out of their own pockets, out of their own wages, money for instruction in business courses, and so forth, and if some means could not be devised whereby the retired officers themselves could occupy their time in helping the young men instead of compelling those young men to spend their own money for that purpose?

Mr. HOBSON. Yes; I am in accord with the gentleman as well as with his colleague from Ohio [Mr. BATHRICK] on that, and I am glad to say that the department now has under consideration the details of carrying that out. I believe that in both the military branches, the War Department and the Navy Department, opportunities should be opened up for the development of this educational side for the benefit of the American men enlisted in that service.

Now, I would also, so far as I can, help the Diplomatic and Consular Service of this country to develop a service so that

our agents in all lands would gather vital information from all other countries bearing on the educational equipment of youth, especially vocational equipment, and other matters vital to the prosperity of the American people, and report these matters continually to the American Government; and if I could I would have a central bureau established here that would receive similar vital information every week from all the departments of the Government and would then issue weekly a report, as it were, to the American people on all the great vital facts of the previous week that bear upon their vocations, their health, and their welfare, making it in the nature of an official journal, so that any man, through his postmaster or by arrangement through his Congressman or in some other way, could get the best information the world has ever seen, free of cost, as a part, and an inexpensive part, of the educational work of this Government.

But, Mr. Speaker, I have other ambitions to try to be helpful in this educational work. It is a fact that if a boy goes to school only until he is 14 years of age, at the age of 25 he will be earning only \$2 a day on the average; but if he goes to school until he is 16 years of age, then at the age of 25 he will actually be earning \$4 a day on the average. No brighter than the first boy, he begins work two years later; and yet, as a result of only two years of additional schooling that second boy is able to catch up with the first boy, to pass him, and double him by the time they are 25. Mr. Speaker, the nation that helps to add two years more to the average school period of the rising generation is the nation that is going to capture the commerce and the markets of the world in the next generation.

To-day 97 per cent of the American children do not attain to the full age of 14 years before they leave school. I am told that there are two and one-half million American children below the age of 12 who are working for a daily wage. Of the boys who go to the common school only and go no further only 1 boy out of 9,000 will ever attain a place among the 10,000 men who are the actual leaders in all the walks of life. Out of the boys who go through high school 1 out of every 400 will attain that leadership. The four years more of training at the plastic period increases twenty-two fold the equipment of that citizen and his chances of leadership. And of those who go to college 1 boy out of every 40 will become one of these great leaders.

To-day the American Nation is confined to 3 per cent of its people from whom to recruit its leaders, because of the lack of education. See the inequality it works. Ninety-seven per cent of the bright boys of this country, with good blood in their veins, get a chance to go to common school only. The remaining 3 per cent go to college—boys with no better blood in their veins and boys who are no brighter. While we in this Republic, founded upon the principle of equality, discuss this equality in theory and split hairs about it, the actual test of practice shows that in the lives of our citizens the second boys have 220 times the chances of becoming leaders that the first boys have. Thus the doors of highest opportunity are closed to 97 per cent of our people. Three per cent of the American people have a monopoly of the highest opportunities.

Perhaps gentlemen will understand my idea on the subject when I go a little further. This question of the development of youth in the plastic period is unquestionably the great question of this age and all ages. You can not change a man much after he gets beyond that period, but you can do wonders in that period, as I have just illustrated by these great and astounding facts.

Mr. Speaker, if we wish best to insure that this Nation of ours shall successfully stand the shocks that may come upon it in generations to come through the problems confronting us in the economic and industrial world, the best way to insure our meeting those problems successfully is to raise the standard of education.

If I were to state what I regard as the best way to enable America to meet the industrial competition of Germany and those nations that are scientifically and systematically developing their children, a way to meet them in competition in the markets of the world—in fact, to meet the dangers, even, in the armies in future generations—I would say raise the average standard of education for the rising generation.

If I were asked to state what would guarantee that our Republic should endure, that liberty and free institutions shall not perish from the earth, I would say insure against debauchery, insure for a high average standard of education of the people.

Mr. Speaker, I will not dwell on that now; I have gone more into it than I intended, but the gentleman asked some pertinent questions that incited me. I simply want to point out that in this Committee on Education I have been doing hard work.

I have drawn several bills, I believe, of a constructive nature, to bring about a condition where this matter of an average standard of education of the people, being vital to the Nation as it is to the State, county, or family, being closely allied to the principle of self-preservation, a legitimate field for the Federal Government, shall be taken in hand by the Federal Government, with its vast resources unmatched by individual States. There is a vital, constructive, progressive field and domain where the Federal Government ought to help establish a standard of education for the Nation and then encourage the States and counties to all work toward that standard. Then when they do so work I believe that the Federal Government, without giving any board or any agency the authority to go into a State and to interfere with its machinery of education, should be willing to bear, say, one-third of the cost, that the State should bear the second third, and that the county or locality should contribute the third third.

I pass now to the point of answering what the gentleman said about roll calls. Mr. Speaker, you understand perfectly well, and Members here also, that because a Member does not answer a roll call it does not mean that he is away from Washington and neglecting his duty. I have a session pair every year, and that session pair was gotten up not only to protect my party and vote when I was away from Washington, but also to enable me to better attend to duty of the moment in my committee or in the department work. Now, I will give you an illustration. My friend from Alabama, the floor leader, is on a great committee, and perhaps, without speaking invidiously, I would be pardoned if I said that in my judgment it is the greatest Ways and Means Committee that has been in this House since I have had the honor to be a Member. It is but once in a decade that it frames a great bill. And permit me to say also, Mr. Speaker, that there were some things in this last bill that I would have voted against if I had had a chance; but as a whole I regard that bill as the greatest piece of constructive legislation not only since my short service in this House but perhaps since the foundation of this Government. Now, my friend's committee has a bill to construct about once in a decade. My committee, the Committee on Naval Appropriations, has a bill carrying around \$140,000,000 to construct every year. When his committee was engaged in the construction of its bill my friend was absent from the floor of the House continually, as near as I remember. For weeks and weeks he did not answer a single roll call, and I do not think he ought to have answered a single roll call. I commend his attention to duty in his committee.

I want to ask my friend from Connecticut or any other gentleman not to assume, for the past or for the future, that because I may not answer roll calls I am absent, but that they look up and see where I actually am before they assume that I am neglecting my duty.

Now, Mr. Speaker, I will conclude that part of my remarks by saying that I was brought up in the Navy. They teach you in the Navy to do your duty first. Gen. Lee gave Annapolis and West Point a little motto embraced in the observation that "duty is the greatest word in the English language." Now, I am not talking lightly; I think it is unfortunate that I should have to talk in this way at all.

I lived for two years at Annapolis in complete ostracism because I interpreted the duty of a cadet put on duty as officer of the day to report his classmates just as he reports anyone else. [Applause.]

Mr. Speaker, I went to the Spanish War not as an ordinary duty. My routine duty was at Annapolis. I was in charge of the post-graduate course there, but my little philosophy had led me to believe I might render temporarily more service at the front, and I went. It was extra duty. I will say to my friend from Connecticut [Mr. DONOVAN] that I suppose he knows what a naval constructor is. If he is thoroughly familiar, he will know this, that a naval constructor never has to command a ship. I was a naval constructor in that war. I knew how to build a ship. I felt that I knew how to sink a ship. I sought the extra duty. I sank the ship. I will say to my friend from Connecticut that here in Congress this work of special expeditions in my district is not routine work. I have sought to do it as extra duty.

I will say to him further that in the course of my educational investigation I found that, in my judgment, the true solution of our greatest national ill, that of the liquor question, lies in education. This element of truth has lead me into very difficult paths. Mr. Speaker, you may drink yourself—I know individually that you do not, and I want to congratulate you a thousand times and say God bless you for the man you have been—but, speaking figuratively, you may drink yourself, but if you are a good man you do not want your boy to grow up drinking, nor

even your neighbor's boy. Mr. Speaker, you may be wet in your politics, and I will not criticize you. I try to be as broad as the horizon. There are good men who believe that on this matter things ought to be wide open. There are other good men who believe there ought to be regulation in various forms. There are other men who believe there ought to be local option in various forms. There are still others who believe there ought to be prohibition in various forms. I do not think this is essential, because, pass what law you please, you are not going to change the old drinkers very much. They are going on until they die. It is too late to change the old, but you can shape the young. Here is the vital matter. You may be wet in your politics, but if you are a good citizen and a good man you would love to see the young people of this country grow up sober. Is not that true? Then let us all join to bring up the next generation of Americans to be sober, and we can do it by molding them in the plastic period with the truth on the subject.

Mr. Speaker, I can not obtain the use of the antagonistic press, particularly those papers that carry large advertising contracts with the liquor interests. I can not get anything of the truth on this subject to help educate the American youth.

I can not get access to the press, but while I am in Congress I can get access to governmental machinery, and I have put the truth about alcohol into the CONGRESSIONAL RECORD in the form of a speech, called The Great Destroyer. I have not thrust my ideas upon Members, but for many years I have been trying to do my little part to help mold the rising youth of this country. Yes; I lecture, Mr. Speaker, and I command a big fee, and, barring yourself and the Secretary of State, as I remember, it is the biggest fee paid, and there is demand for more than all of my time; and I will say to those who imagine that I am mercenary in it, that I can make three to four times as much out of Congress as the salary amounts to.

Mr. Speaker, I have used my substance, and some good friends believing in my work have helped me, and I have mailed 2,000,000 copies of that speech, not to the old people, who may throw it aside, upon whom it could have had but little effect, but I have mailed it systematically to the youth of this land—to all of the college boys, many in the high schools and the graduate schools, and to all of the teachers—and I find this: That a personal letter to a boy at an impressionable age from a Member of Congress has a powerful effect. I have written a million and a half personal letters to the youth of this country upon that subject. This work of mine, which I know every good man must indorse, has led me into many troubles. It has begun to affect, I believe, the national view of this great question. I believe it is causing the divergent elements to come to recognize that they can all get together on the educational proposition.

And it bids fair in the course of time to help solve this great question. Let all the good forces of the Nation cooperate and we will surely bring up a sober race in America. As I say, I do not regard the law as everything, but this is an infectious disease. Taking human nature as it is, if you have it in your presence you will drink it; a drinking boy will contaminate the others; wet territory will contaminate dry. That is human nature. When we have finally put this organic disease out of the body it must be kept out. I believe that is simply scientific. In the end, when we have brought up the race to be sober—and we will attain that end because drinkers die off and are not recruited—we will proceed to put prohibition into the Constitution of the United States. I have ventured simply in a scientific way to draw a joint resolution to that effect.

Mr. Speaker, since this work of mine I find I can not make a political campaign like other Members, but find the heavy and brutal hand of the liquor interests raised to destroy me politically. Last year, when I went into my district and asked my constituents to return me, I found the hand of the liquor interests there. Now, I weigh every word I say, and I know exactly what I am talking about. They fought behind one of the best men in my district, one of the most upright, who is known as the father of prohibition. They had a huge corruption fund there. Again I say, I know what I am talking about, for indictments and confessions have been made. One check alone was for \$20,000. They had space, Mr. Speaker, in every paper, not only in the district there but in the cosmopolitan press, and used it to say mean things about me, and among the mean things are the same things that are now coming up here about the charges that I am away and neglecting my duty because not answering unimportant roll calls.

They tried also to say that I believed in negroes mixing with white people and in negro domination, because one bright morning here in the House the question came up whether the Brownsville matter was to be opened up or not. There had never been a trial of any kind. The investigation might lead to a trial

I voted for the bill. I said that if they were guilty, they should hang; if they were innocent, they should be exonerated, white or black. [Applause.] They used that with other malicious defamations against me. And they had the speakers, Mr. Speaker. They turned 25 speakers loose in my district on me and I was single-handed. They organized them into flying squadrons. Before we got through with them we called them the "fleeing" squadrons, but that is what they called them, flying squadrons—25 speakers. Well, when I went to my constituents my constituents answered by quadrupling my majority. Mr. Speaker, several conferences were held prior to that campaign, and, incidentally, I was attacked on the floor of this House just prior to that campaign just as I have now been attacked here again, and in those conferences I had a report that the politicians, gathered from all parts of the State, were trying to find a way "to beat Hobson for Congress." Mr. Speaker, when Senator Johnston's untimely death, mourned by all Alabamians, brought about the question of his successor, politicians gathered in Birmingham in a similar way from all parts of the State. They held their caucuses at the Morris Hotel, morning, afternoon, and night. Members who took part—

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. Mr. Speaker, I did not think so. I thought I had 10 minutes more. I ask unanimous consent to proceed for 15 minutes more.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HOBSON. Members taking part in that caucus came and told me direct from the caucus, and they spoke it on the street, that the politicians were trying to find a way not to carry out the practice of the Democratic Party in Alabama by a call of a primary to choose a Democratic candidate at the hands of the people, and not to bring about a general election under the seventeenth amendment to the Constitution by which the people could elect, but how to find a way "to beat Hobson for the Senate."

There is a distinguished editor in Birmingham—Mr. Glass—one of the greatest editors in the State, if not the greatest. He, in a way, is spokesman for the administration and he took part in those conferences. Here is an editorial by Mr. Glass the day after the appointment of my friend Mr. CLAYTON. I will read a part of it:

A number of the most astute politicians in the State pressed with the greatest energy the view upon the governor that he should appoint a man who could cope with Mr. Hobson for the permanent place; that the most available man should be pitted now, so that he might be groomed and strengthened as the representative of the local optionists for the coming struggle with Mr. Hobson as the leader of the prohibition element. There seems little doubt that this was the view that prevailed, and upon which Gov. O'Neal acted.

Now then, later Mr. Glass, this editor, in another editorial, says:

Nevertheless it was Mr. Glass's judgment from the very start that if a candidate was to be put in training to beat Mr. Hobson, Mr. UNDERWOOD was preeminently the man.—Birmingham News.

This was soon followed by a call from the News that my friend Mr. UNDERWOOD should enter the race.

In the Washington Star of October 12, under the heading "Willing to remain Member of House," the following occurs, referring to the President's request upon my friend Mr. CLAYTON:

The letters were made public after several days of conference in which the President, Gov. O'Neal, former Gov. W. D. Jelks, and other Alabama political leaders took part. The entire subject of the Alabama senatorial situation was gone over.

And amongst those was Mr. Glass.

I have a special edition of Mr. Glass's paper when he wired this from Washington, saying the President had just handed him a copy of the letter. So I assumed he was present. It is assumed that he came to Washington on the same business as the governor.

Now, Mr. Speaker, we come to an attack upon me by an anonymous Member of Congress. It appears in the Birmingham Age-Herald from its Washington correspondent. It is dated October 10, 1913, under the head:

Hobson's attack regarded as joke by Congressmen—Georgian asks why he supported UNDERWOOD for Presidency—Republicans admit leader's integrity—"How can Hobson know more of UNDERWOOD than we who work with him?" question asked.

Now, this is under a Washington headline of October 9. Mr. Speaker, I do not know who this anonymous Congressman is. I assume that only an unimportant Congressman would give out that kind of an interview anonymously. I hope the gentleman is here. I would be glad to know if he is. If I had known his identity, I would have asked him to be present, as I asked my colleague from Alabama [Mr. UNDERWOOD] and the gentleman

from Connecticut [Mr. DONOVAN] to be present. The article is as follows:

"It is indeed strange that Capt. HOBSON, who spends so little of his valuable time in Washington, has found out more about OSCAR UNDERWOOD than those of us who see him and are with him every day," said a Georgia Member to-day.

"It is also strange that if Capt. HOBSON knew all these dark and evil things that he so earnestly supported Mr. UNDERWOOD for the Presidency, unless perhaps he thought it was the popular thing for him to do with all Alabamians."

I assume that the gentleman is quoting from the reports of a speech of mine made at Wetumpka last Monday. I want to say at the outset that the correspondent who was there is a correspondent of a hostile paper; that reports of what I did really say there have been very much misrepresented. I also will remark incidentally, though, that even if these reports had been what the reporter alleges they were, I hope all fair men will recognize that the charges or the references were made not on the eve of an election but on the day after an announcement. I indulged in no mud slinging, no reflections upon Mr. UNDERWOOD's character, but paid him a tribute. What I did say is based on the sworn testimony, which I will now read, on pages 937 and 938 of the Senate hearings on the campaign-contributions investigation, Senate committee:

Senator BANKHEAD. Mr. Chairman, I undertook the management of Mr. UNDERWOOD's campaign, and I want to say to the committee that I assume the whole responsibility. Mr. UNDERWOOD knew nothing of any of the contributions nor how any of it was expended. I am responsible for the whole thing.

And then, in putting in the evidence his detailed statement, he cites:

Contributions to O. W. UNDERWOOD's campaign for the presidential nomination, Thomas F. Ryan, \$35,000.

And then he quotes others of smaller dimensions.

Mr. Speaker, in the late stages of the preliminary campaign for choosing delegates to the Baltimore convention Mr. Bryan, editor of the Commoner, in his issue of May 10, 1912, under the head "The game exposed," makes the following statement:

The campaign has now progressed far enough to enable the Democratic voters to know the methods that are being employed by the Wall Street crowd to capture the Baltimore convention. Mr. Harmon and Mr. UNDERWOOD are the reactionary candidates.

That is not my statement, Mr. Speaker. That is the statement of William Jennings Bryan, and however men may differ with Mr. Bryan's political policies I have yet to see a man who doubts his integrity, his honesty, and his truthfulness.

I proceed to quote from Mr. Bryan:

Mr. Harmon was picked out first, but the "big" business began to smile on Mr. UNDERWOOD as soon as it became evident that Mr. Harmon was not making headway as a candidate. They have now divided up the territory in which they think a reactionary has a chance, and Mr. Harmon is running in a few States in the North and Mr. UNDERWOOD in six States in the South.

I think I am not out of etiquette to say that this statement of Mr. Bryan had been made to me several weeks before and I practically challenged him and told him before we left the board—we were taking breakfast together—that I was for OSCAR UNDERWOOD. I had told President Wilson the same thing—he is now President; he was then governor—that while I was in accord with his progressive policies, I proposed to support Alabama's candidate, OSCAR W. UNDERWOOD.

Finally the charges were being made publicly that Mr. UNDERWOOD's candidacy was being financed from Wall Street. Vehement denials were made on the part of his management. I did not know what to think, and in Alabama I gave out a statement that no Alabamian had more State pride than I had, or would more gladly and more loyally support Mr. UNDERWOOD, but I made a statement in the presence of Editor Glass—he was vigorously attacking Mr. UNDERWOOD at the time and accusing him, with Mr. Harmon, of being the tool of Mr. Ryan—the same Mr. Glass to whom I made this statement, in his presence to his own reporter, a stenographic statement, that I did not propose to submit, and that the State would not submit, to Wall Street's game being worked behind OSCAR W. UNDERWOOD.

The vehement denials on the part of his management at last allayed my fears, and I supported Mr. UNDERWOOD.

This anonymous Member of Congress asks why I did; how could OSCAR W. UNDERWOOD get my support? Mr. Speaker, my support and the support of the loyal Democrats and the progressive citizens of Alabama was obtained under false pretenses. Had I known that Thomas Fortune Ryan, the man whom Mr. Bryan rebuked and named at the Baltimore convention and accused of being the tool of Wall Street and of trying to capture the party in the interest of Wall Street was financing the major part of the campaign of OSCAR W. UNDERWOOD, not only would I not have supported him, but I would have fought him; and, what is more, he never would have been the choice of the people of Alabama.

Mr. Speaker, the support of the people of Alabama was secured for Mr. UNDERWOOD for the Presidency under false pretenses. I here declare that their support of him for the United States Senate shall not be similarly obtained under false pretenses.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HOBSON. It is two minutes yet, Mr. Speaker. I was watching it.

The SPEAKER. These clocks are not very reliable.

Mr. HOBSON. I am closing, and I know no one objects.

The SPEAKER. Without objection, the gentleman from Alabama is recognized for two minutes more.

There was no objection.

Mr. HOBSON. And I want to say to this anonymous Congressman and to the one who went down with the funeral party of Senator JOHNSTON and could not wait until the remains were buried before he made a vicious attack on me—and I want to say to the gentleman from Connecticut [Mr. DONOVAN], and I want to say to any gentleman who injects himself into this campaign in Alabama—that the right of Alabama to choose her own Senator without dictation from the outside is a constitutional right, and that the right of the people of Alabama to choose their Senator is likewise a constitutional right, and neither the gentlemen that I have mentioned nor any other gentleman who may appear with them can terrify these free citizens of Alabama. My friend Mr. UNDERWOOD may not know the people of Alabama; but I know them, for I was born among them, and the blood of my father and of my uncles and of my people stains the soil there. Yes; those people are simple people living close to nature; they are sober, they are God-fearing; but, Mr. Speaker, they are courageous and undaunted. They are the same men that met at Mecklenburg and drew the indictment of a king. They never submitted to dictation from a king. They will submit to dictation in their children to-day from no one in this world. [Applause.]

Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for one hour. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I regret that Alabama politics should be dragged to the floor of this House; but no man has an asset more valuable in his life than his good name, and when his good name is challenged, no matter where it may be, he must meet the issue; and it is with that apology to my colleagues that I rise to speak of local issues in the State of Alabama.

Mr. Speaker, I saw in the public press of Alabama a statement some days ago that the gentleman from Alabama [Mr. HOBSON] had stated in a public speech and in public interviews that I was a tool of Wall Street and a tool of the liquor interests. I have waited patiently to answer that charge until I could look Capt. HOBSON in the face and challenge the truthfulness of the statement.

Now, I should like to ask the gentleman from Alabama to say here—because I was not in Alabama, and I do not want to misquote him—if he made the statement; and if not, I ask him to deny it.

Mr. HOBSON. I shall be very glad—

Mr. UNDERWOOD. I ask him to say now did he charge me in his Wetumpka speech or anywhere else in Alabama with being a tool of Wall Street or a tool of the liquor interests?

Mr. HOBSON. I will tell the gentleman. I used the double word, and I will tell him exactly what the double word was and how I used it. I read the testimony which I have just read. I assumed that what Senator BANKHEAD said under oath was true—that Mr. UNDERWOOD did not know that his campaign in Georgia, Mississippi, and other States was financed by Wall Street.

Mr. UNDERWOOD. Well, the gentleman knows that I did not know of Mr. Ryan's contribution to my campaign fund, as Senator BANKHEAD did.

Mr. HOBSON. I am glad that the gentleman will make that statement now. I asked the people of Alabama, and I ask him now, when the charge had been made publicly why did not my friend and the people's friend at least look at the books and find out, and then with that preface—

Mr. UNDERWOOD. I will ask the gentleman not to take up my time in making a speech. I am trying to get him to answer whether he did make the charge or not.

Mr. HOBSON. I am trying to state it. I am leading up to it so you will understand it, as well as the others. I said that if Senator BANKHEAD's testimony is correct, and my friend admits it, if he did not know he should have known. Why did he not know? But, not knowing, I stated, and I repeat it, he was, in effect, but a dummy in the hands of managers, being used as he was used. I did not charge that he or his managers

were corrupt or made any deal with Wall Street, and I do not charge that he himself or his managers now in this campaign have any direct deal or connection with the liquor interests; but I say he was a dummy, being used as their tool, and that a dummy who could be used as a tool by Wall Street could likewise, as a dummy, be used as a tool by the liquor interests or any other interests.

Mr. UNDERWOOD. I want to get the gentleman's statement correctly, because I will answer him about being a tool and about being used. But I want it understood. The gentleman says he did not charge me directly with being a tool of Wall Street or the liquor interests, but it was based on the supposition that Mr. Ryan had made this contribution, and if I was being used by somebody else that I did not know it. Is that it?

Mr. HOBSON. It is just as I say.

Mr. UNDERWOOD. Well, will the gentleman answer me?

Mr. HOBSON. I will say this—

Mr. UNDERWOOD. Did you say—

Mr. HOBSON. Yes; I am glad to say it—

Mr. UNDERWOOD. Did you say that I was a tool of the liquor interests or of Wall Street, or not?

Mr. HOBSON. I say you were a dummy in that campaign.

Mr. UNDERWOOD. You did not use the other expression?

Mr. HOBSON. And that as a dummy you were used.

Mr. UNDERWOOD. All right. Now, I want to answer—

Mr. HOBSON. And that if you were a dummy now you could be used again.

Mr. UNDERWOOD. Now, Mr. Speaker, I want to ask the gentleman one more question. I want the fact on which he bases his statement. A while ago he said he sought the truth when he got into a controversy. Now, is there any evidence that you have got of anything in my public or private career on which you based that charge when you made it? If there is, state it here.

Mr. HOBSON. I want to be very correctly understood, I want to say to the gentleman—

Mr. UNDERWOOD. If the gentleman will wait a minute.

Mr. HOBSON. I am going to answer the gentleman, but not in his way.

Mr. DONOVAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. The gentleman has no right to interrupt the other without his consent.

Mr. HOBSON. Oh, but the gentleman from Alabama has requested me to answer him. My answer is this: I have stated and now I repeat it, that I would resent any man's statement who would make it with an intent to reflect upon my friend's integrity, who would impute the slightest moral turpitude to the gentleman from Alabama. I believe he has done his duty as he has seen it. But my interpretation was this, and I stick to it, that the gentleman is simply of a type of politician that has reigned but is to be dethroned, and a type that plays the game, and allows to come into the game agencies that help to win. Without any reflection upon his moral integrity or his character, I make that statement.

Mr. UNDERWOOD. Now, another question. The gentleman not only charged me with being the tool of Wall Street, and he bases that entirely on Mr. Ryan's contribution to my campaign fund, but he charged me with being a tool of the liquor interests. I want to know if there is anything else upon which he based that charge.

Mr. HOBSON. I want to say to the gentleman that I have not made that charge except in this way. What I said was, and I do not exonerate him from it, I say that the liquor interests conspired to defeat me in my district, and put up one politician after another, until at last they found the strongest one. I say now that I believe that is what they are doing in this fight. I am not charging the gentleman from Alabama with anything, but I did charge and do charge that if he could be used as a dummy in one election he could be used as a dummy in another.

Mr. UNDERWOOD. Mr. Speaker, I will say to this House that no man and no interest, no matter how great or important, has ever used me as a tool or a dummy. [Great applause on the Democratic side.] Not only the men on the floor of this House but the people of the United States from ocean to ocean have seen me placed in positions where temptations and powerful interests were rolled upon me to yield to influences, and I challenge any man, no matter who he may be, to point to a single blot on my public or private career. [Applause.]

I have just returned to this House a great bill placed in my hands by my party that in years gone by has been subject to those influences, and yet I challenge the gentleman from Alabama or any other man here to show that any influence has been used in my administration of that public trust.

Mr. HOBSON. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HOBSON. I think it is right to supplement the statement I made a while ago. It bears upon this point. The charge I did make in regard to the liquor interests—and I want to repeat it now and I would like for the gentleman from Alabama to correct me if I am wrong—is substantially as follows. I said three things, as I remember: First, that the gentleman was on the fence in our amendment fight there.

Mr. UNDERWOOD. That was untrue. The gentleman from Alabama may not have known where I stood, but everybody else did. [Laughter.]

Mr. HOBSON. I did not know it. I will refer that to the people of Alabama.

Mr. UNDERWOOD. I will say to the gentleman that there can be no controversy about it, because, although the gentleman from Alabama has been known as a prohibitionist in the liquor fight to amend the constitution of Alabama for State-wide prohibition, I was the first Member of Congress that came out and stated that I was a local optionist and not for State-wide prohibition. That was published in the daily press of my own city months before the election took place.

Mr. HOBSON. That may be; I had not seen it, as the gentleman took no part in the fight. But that is not material. My point was that you did finally vote on that side, as a great many good men did without being liquor men themselves.

Mr. UNDERWOOD. I did not vote for State-wide prohibition. There is no contest about that.

Mr. HOBSON. And in the contest in Birmingham and Jefferson County, the same, you voted wet. But that was only leading up to the statement I made and that I now make, that in the meetings of the conference committee on the tariff bill I am informed that the gentleman was consistently opposed to Senate amendments that would reduce the revenue, he regarding the question of maintaining the revenues as one of great importance, so that the bill would have no chance to produce a deficit, but that when he reached the amendment—I think it is called the Pomereene amendment—which repeals the clause in the tariff act of 1890 that exempts manufacturers of wine from paying the usual tax of \$1.10 on brandies, although that amendment would have increased the revenue of the Government about \$7,250,000, to the surprise of the members of the committee the gentleman from Alabama [Mr. UNDERWOOD] turned right around and fought the amendment, the result of which is to take out of the Treasury about \$7,250,000 and transfer it into the hands of these liquor men, and the general result is to increase the amount of alcohol in the wine.

Mr. UNDERWOOD. And on that basis the gentleman charges that I am the tool of the Liquor Trust?

Mr. HOBSON. I make this statement, that you did this, and that as a result the liquor interests are seven and a quarter million dollars better off than if you had concurred in the Senate amendment.

Mr. UNDERWOOD. Very well. I will ask the gentleman now to permit me to proceed. I am obliged to him for answering the question, because I wanted him to come right out, where I can look him in the eye, and say what he has to say. So far as the Pomereene amendment is concerned, if we had passed the amendment as it stood in the bill it would have seriously affected the pure-food laws of the country, so far as they related to wine.

Mr. HOBSON rose.

Mr. UNDERWOOD. Let me finish. I told the gentleman from Alabama [Mr. HOBSON] that very same thing sitting right here before the conference report was voted on. The gentleman will recall that I told him that.

Mr. HOBSON. Before the gentleman leaves that proposition, will he permit me to ask him a question, because it is germane?

Mr. UNDERWOOD. Yes; I yield for a question.

Mr. HOBSON. My contention is not that the whole amendment should have been retained. My contention is that you could have left all of the pure-food part of it as a legitimate compromise with the Senate and simply have removed the revenue part, to increase the revenue seven and a quarter million.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will permit, that might have been done if we needed the revenue from that point. We had reached a point where we found we had, according to our estimates, a surplus of \$18,000,000 of revenue. We knew that that amendment challenged the pure-food laws of this country. In other words, it taxed out of existence, practically out of existence, wine made out of grape brandy, that was pure wine, and left sweet wines to be preserved with benzoate of soda, which were impure wines. I will tell the gentleman from Alabama something; he is not informed on this question

or he would not be so earnestly in favor of the passage of the amendment. I remember 10 years ago, when this same controversy occurred between the wine growers of California and these men from Ohio, who were standing behind this amendment.

One of the men from California before the Committee on Ways and Means challenged the Ohio man and said, "Your wine is impure, and the laws of Ohio will not let you sell it there." I then asked him where he was selling this impure wine, and he said it was down South—in the country that you and I hail from, sending poisoned wine to poison our people. The gentleman from Alabama is a prohibitionist, and he is conscientious in it. I do not challenge his position, but if wine is to be sold, does he want to poison the people who drink it or does he want pure wine sold to the people who drink it? [Applause.]

Mr. HOBSON. Will the gentleman be good enough to yield? The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. I yield, but not for a speech.

Mr. HOBSON. This is all afieled from the question. If you would leave out all of the pure-food regulations, it was merely a question of revenue. It is not a question of the Ohio wines.

Mr. UNDERWOOD. I will answer the gentleman fully. When it turned out it was not necessary to have that revenue and that there was a serious issue involving the pure-food laws of this country, one that required careful investigation and could not be gone into by tired men in a few hours, I agreed to give these men a full and ample hearing before the Committee on Ways and Means next winter, when both sides could be heard and the proper legislation could be obtained; and if the gentleman had read the RECORD and had been here and had kept in touch with what was going on, he would know that that was the situation. [Applause.]

Now, Mr. Speaker, I want to say this, if the gentleman will allow me: I do not want to prevent him interrupting me, but I have but a short time. Mr. Speaker, I have had over 18 years of service in the Congress. My record has been an open one. Without criticizing other Members for what they may do, I wish to say to this House that during that 18 years of service I have never left my duty here either to go home to take part in political campaigns or to go on the lecture field to make speeches to earn additional money for myself. During that 18 years when the Congress has been in session I have not left this House to go home, except when it was either in recess or partial recess, but five times, and of those five times one of them was due to a death in my family and the other four times on account of sickness. [Applause on the Democratic side.] Now, Mr. Speaker, I have sought conscientiously to do my duty here. There is no record vote that has been dodged by me.

The record is here for inspection, and I challenge the gentleman from Alabama or anyone else, after a careful search of 18 years of record, to point to a single instance where I have been the tool of Wall Street, of the liquor interests, or of anybody else. [Applause.] If I have been the tool of Wall Street or of the liquor interests, then the Democratic Party has been the tool of Wall Street and the liquor interests, because my record is the record of the Democratic Party in 18 years of service. [Applause on the Democratic side.]

Mr. HOBSON. Will the gentleman yield just to allow me to correct an impression?

Mr. UNDERWOOD. I will.

Mr. HOBSON. The gentleman referred to my speaking to him in connection with the Senate amendment. I came and tried to arrange a way to take that particular question out and vote on it separately. It was only because it was embedded in the Senate report that it could not be voted on, and the gentleman can not say the Democratic Party stands for it simply because it stood in the tariff bill.

Mr. UNDERWOOD. Well, the members of the Democratic Party on that issue stood for it, and I have not a doubt, and I challenge anybody to say that if I had come on the floor of the House with it as a separate amendment and stated the facts to my colleagues here that it was ill advised and we were not ready to proceed to legislate, they would not have turned it down. The gentlemen may not, but the Democratic Party would. [Applause on the Democratic side.] Now I want to say this—

Mr. HOBSON. The gentleman did not give us a chance, of course.

Mr. UNDERWOOD. Well, the gentleman knows conference reports are not written that way, and does he not do the same thing on the naval appropriation bills? The conferees agree to everything that it is possible to agree to, and only matters of dispute are brought in separately, and the gentleman knows that. Now, Mr. Speaker, I want to say this: The gentleman has charged that my delegations from Alabama and the other South-

ern States to the last national convention were gotten there by fraud and misrepresentation—

Mr. HOBSON. Will the gentleman allow me to correct him? This matter is fundamental.

Mr. UNDERWOOD. Well, state it.

Mr. HOBSON. I made no such charge. I said they were obtained under false pretenses.

Mr. UNDERWOOD. Well, that is the same thing; they were obtained under false pretenses. Now, Mr. Speaker, I want to say to the gentleman from Alabama and my colleagues here that at the time this presidential campaign came on I had been selected to perform a great duty for the Democratic Party—that is, to attempt to pass through the House tariff bills that would challenge the attention of the American people—that would give us a basis for the campaign for the Presidency that we were about to undertake.

Some of them had already been passed through the House. They had challenged the attention of some American people, and friends of mine had asked me to become a candidate for the Presidency. At first I refused. They became insistent, and then I stated to them—and I stated it publicly in the prints of the country—that if I became a candidate it must be on condition that I should be allowed to stay here in my place [applause on the Democratic side], doing my duty to my party and my country and take no part in that campaign. [Applause on the Democratic side.] And I did it. I did not leave here one time to make a speech for myself, because my party was on the firing line. I took no part in the campaign.

Mr. HOBSON. Will the gentleman yield?

Mr. UNDERWOOD. I will ask the gentleman not to interrupt me now for a few minutes. I took no part in the campaign that was being waged by my friends. I was in the headquarters of my campaign committee, I think, just three times during that entire campaign. I kept my pledge to my party and my country, and I labored industriously to try to make a platform upon which the Democracy could carry the country and that the great principles of the Democratic Party might again be written on the statute books. And the gentleman from Alabama [Mr. Hobson], because I did and because I did not know who contributed to my campaign fund, says that I am a tool of the interests or a dummy that can not be depended upon. Is there any other man here, the men who intrusted me with my commission to lead the party in the last Congress and in this—is there any other man in this Congress, except the gentleman from Alabama, who is willing to rise in his seat here and say that because I did my duty in this House to the country I should now be penalized?

Mr. HOBSON. Will the gentleman now yield to a question? [Cries of "No!" "No!"]

Mr. UNDERWOOD. I will ask the gentleman not to interrupt me now.

The SPEAKER. The House will be in order. The gentleman from Alabama [Mr. Hobson] has the right to ask his colleague [Mr. Underwood] to yield, and the latter has a right to say whether he will yield or not, and it is none of the business of the House whether they do or do not. [Laughter and applause.]

Mr. HOBSON. That would go to the heart of it, Mr. Underwood.

Mr. UNDERWOOD. The gentleman says he wants to ask me one question in order to go to the heart of the matter, and I will be glad to let him do it.

Mr. HOBSON. I will ask no more questions against the wishes of the gentleman. It is simply this, Mr. Speaker, when the gentleman went down to his headquarters one of those three times, which he seems to have done consistently with his great duties here in the House, after the charge was made publicly that Wall Street was financing his campaign, does not he think he might have taken one minute during the visit to look at the books and see if that charge were true?

Mr. UNDERWOOD. I will say to the gentleman from Alabama I did not hear any charge made that Wall Street was financing my campaign. I did hear, after the delegates had gotten to Baltimore, a charge made that I was a Wall Street candidate, and that was the first time I heard it. And that charge was untrue. [Applause on the Democratic side.] I never was.

Now, subsequent to the election and after the printed campaign contributions had been made, I was told by the manager of my campaign that Mr. Ryan made the contribution to my campaign without asking any commitments as to any policy in that convention or by myself, saying it was given solely because he was a southern man and he was anxious to see a southern man elected to the Presidency. [Applause on the Democratic side.]

It is no unusual thing for these rich men to make such contributions. Does the gentleman from Alabama [Mr. Hobson] charge that Col. Roosevelt was a tool of the interests because George Perkins subscribed to his campaign fund? Does he charge that the President of the United States is a tool of the interests because Mr. McCormick subscribed to his campaign fund in the presidential campaign? Does he charge that he is a tool of the interests? There was not a single candidate for the presidential nomination on either side whose campaign fund had not been subscribed to in part, at least, by men coming from New York, and men as intimately connected with the doings of Wall Street as Mr. Ryan was.

Mr. HOBSON. Of course, the gentleman knows that President Wilson scorned Ryan. I say that out of justice to him, Mr. Speaker. He scorned Ryan's contribution.

Mr. UNDERWOOD. Now, I do not say that Mr. Roosevelt is the tool of the interests. I do not say that Mr. Wilson is, because I regard him as one of the great statesmen of America, and I have been here day in and day out for seven months laboriously struggling to hold up his hands and the policies of his administration. [Applause on the Democratic side.] And the gentleman from Alabama [Mr. Hobson] will never get the President of the United States to agree with his statement that I am a tool of the interests, liquor or otherwise [applause on the Democratic side], because the President of the United States knows where I stand and what I have fought for. [Applause on the Democratic side.]

Now, as to Mr. Bryan's statement in Baltimore—

Mr. HOBSON. This was in the Commoner on the 12th of May—

Mr. UNDERWOOD. Or in The Commoner. Everybody knows that at one time there was a serious disagreement between Mr. Bryan and myself. The membership of this House did not take Mr. Bryan's side on that occasion, and the country has not done so. Mr. Bryan was in a position at one time where he challenged and criticized nearly everything I did. I am not going into a discussion about Mr. Bryan at this time. We have forgotten our differences for the good of our party. [Applause on the Democratic side.] But I challenge the gentleman from Alabama to-day to get a statement from Mr. Bryan saying that I am the tool of any interests. [Applause on the Democratic side.] The gentleman knows very well he could not do it.

Mr. HOBSON. Will the gentleman yield?

The SPEAKER. If a gentleman desires to interrupt another gentleman, he must rise in his seat.

Mr. HOBSON. Let the gentleman change the form of that, and I will accept his challenge.

Mr. UNDERWOOD. My challenge is very clear, and what I mean is very distinctly understood. Mr. Bryan knows that I have done my duty here, that I have served my party and my country, and as a truthful, honest, God-fearing man he would not make such a charge at the behest of anybody. [Applause on the Democratic side.]

Mr. Speaker, I want the gentleman from Alabama [Mr. Hobson] not to hang his charges against me on matters that he admits I did not know about; not to hang his charges on me with a statement such as he could charge every other candidate in the field with the same improper motive. More than that, the constituencies that sent the delegations for me from Mississippi and Alabama and Georgia and Florida—

Mr. HOBSON. The gentleman is not fair to the other candidates.

The SPEAKER. The rule is that when a gentleman wants to interrupt a gentleman who has the floor he must rise and address the Chair and ask permission to interrupt.

Mr. HOBSON. I will ask permission, then, Mr. Speaker, in order that the other candidates may not misunderstand my position. I ask the gentleman to give me permission to ask one question.

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. HOBSON. It is simply to prevent me from putting the gentleman in the same category as the others, because Mr. Wilson knew about his campaign contributions, and he took occasion to scorn Mr. Ryan's and others.

Mr. UNDERWOOD. I do not know whether the President understood about Mr. Ryan's campaign contribution to his campaign or not, but others were just as close to Wall Street as Mr. Ryan was.

But I wish to say this, Mr. Speaker, that the delegations from Alabama and the other Southern States did not go to that convention under any false pretenses. They went there to support a candidate in whose integrity and honesty and Democracy they believed. [Applause on the Democratic side.] And I want to say to the gentleman from Alabama that no matter who subscribed to the campaign fund, neither he nor anybody else can

challenge, either before or after that convention, the honesty or character or integrity of the candidate that Alabama and Mississippi and Georgia and Florida supported at that convention. [Applause on the Democratic side.]

I have endeavored as the floor leader of this House, under the responsibilities that have been thrown upon me, to honestly represent my constituents and honestly and faithfully perform a public duty here. Is it necessary for Alabama or Mississippi or Georgia or Florida to be ashamed of the duty I have performed here? [Applause on the Democratic side.]

A MEMBER. Not a bit.

Mr. UNDERWOOD. Would they have been ashamed had they succeeded and had placed me in the White House if I had performed my duty in the same way? It was not campaign contributions they were voting for. The gentleman is mistaken. They were voting for a man. [Applause on the Democratic side.]

Now, I want to call the attention of the gentleman to this fact: Whenever anybody has opposed the distinguished gentleman from Alabama, if I recollect aright, he has always charged that they are a tool of the liquor interests. I want to say to the gentleman that during the ten terms for which I have been elected to the Congress of the United States nobody has ever subscribed to my congressional campaign fund except myself or my own family; that I have never sought the support of any liquor interest or any other interest. More than that, the gentleman from Alabama [Mr. Hobson] himself knows that the principal issue on which the prohibitionists and the antiprohibitionists were contending in this Congress was the question of an antishipping bill. He knows that in years past I always voted for it, and he knows, because I told him in the last Congress, that I was not going to precipitate the issue of that vote in this House immediately before an election, but that I would stand for it and secure it immediately after an election. The gentleman from Alabama [Mr. Hobson] knows that I did so; that my influence on this floor and in the committee was used to secure a vote on that bill; that when it came before the House I voted for it and supported it; and it was the one bill that the liquor interests of this country did not want to see become a law. When a local community determines not to have liquor sold the only possibility of securing temperance is not to allow somebody else to ship it in there. [Applause.] The gentleman knows that, and he knows that not more than 15 months ago I supported that bill and stood for it. Yet he would imply to the people of Alabama, because I happened to be a candidate against him for the Senatorship from my State, that I have become a tool of the liquor interests. Mr. Speaker, as I have told the gentleman before, I challenge him to find anything in my record that I can not stand for or anything to indicate that I have ever been subservient to any interest in all this land.

If I wanted to be unkind—and I do not state it, because I believe the gentleman has convictions on the subject—but if I wanted to be unkind—

Mr. HOBSON. The gentleman has my perfect consent.

The SPEAKER. The gentleman from Alabama [Mr. Hobson] must observe the rule and the good sense of the rule.

Mr. HOBSON. I did not intend my remark to be heard except by the gentleman.

Mr. UNDERWOOD. If I wanted to be unkind, I could point to the fact that during the entire term of the service of the gentleman from Alabama [Mr. Hobson] he has supported all the propositions and the propaganda of the great shipbuilding interests of this country that have ever been brought on this floor—all of them. [Applause.] Now, I do not charge an ulterior motive to the gentleman, because I believe he is honest in it; but with far more ground for making the charge than he has had for the charges he has made against me I could charge him with being a tool of the shipbuilding interests, which I do not. [Applause.]

Mr. HOBSON. Will the gentleman yield?

Mr. UNDERWOOD. No; I do not.

The SPEAKER. The gentleman declines to yield.

Mr. HOBSON. I want the gentleman to be on record as declining to yield.

Mr. UNDERWOOD. If the gentleman wishes to ask me a question, I will yield. What is the question?

Mr. HOBSON. It is merely whether he ever heard of any of the shipbuilding interests contributing anything to any campaign of mine?

Mr. UNDERWOOD. I have not. I said I thought the gentleman was sincere and honest about it, but I pointed out the fact that the gentleman was supporting the position of an interest that has contributed to other gentlemen's campaign funds. [Applause.] I do not mean that to reflect on the gentleman, not

for a minute, because I do not think they ever contributed to the gentleman's campaign fund.

More than that, if I wanted to be unkind and to wander back into the record of the gentleman from Alabama—

Mr. HOBSON. Go ahead and do it.

Mr. UNDERWOOD. The gentleman to-day is standing with his party on the tariff question, but I could ask him to examine his own record on the 9th day of April, 1909, when the Payne tariff bill was before this House, and Mr. Tawney, of Minnesota, a Progressive Republican so far as the tariff was concerned, was seeking to lower the tax on lumber, and the gentleman from Alabama [Mr. Hobson] voted with the standpat Republicans, with Mr. Dalzell and Mr. PAYNE against Mr. Tawney and against the gentleman's own party. I could also point to him that on the same day a motion was made by Judge De Armond, of Missouri, to put lumber on the free list in accordance with the then existing platform of the Democratic Party, and the gentleman from Alabama [Mr. Hobson] voted with Mr. Dalzell and Mr. PAYNE to sustain the Payne rates on lumber and against the Democratic Party and its position to put lumber on the free list. [Applause.] The gentleman from Alabama [Mr. Hobson] preferred to tax the shelter of the poor, rather than to stand in line with his Democratic colleagues on the floor of this House. [Applause on the Democratic side.]

Now, I know that the galleries of the House at that time were filled with a lobby in the interest of the Lumber Trust, that it was a stench in the nostrils of the people of this country the way the lumber interest was performing and the way it did succeed in maintaining the Payne rates on lumber, which the gentleman from Alabama [Mr. Hobson] voted for. [Applause.] But I want to say to the gentleman from Alabama that, although I do not think it was to his credit to abandon his party or the true interests of his people in casting that vote, I believe myself that the gentleman voted from motives that he believed to be right. I do not stand here to challenge the motives of the gentleman from Alabama even if he does desire to challenge mine. [Applause.] I merely say that when the gentleman charges that there is a mote in my eye, that he had better examine his own eye. [Applause.] So far as the interests of the people of Alabama and to vote to uplift the lowly and to stand against the strong and powerful, I am only too glad to put my votes in comparison with those of the gentleman from Alabama. [Applause.] At the time the gentleman cast that vote on lumber there were great lumber interests in his district, and at that same time they were reducing the tax on pig iron and other iron commodities in my district. Some of my constituents were protesting, but I cast my vote in the interest of the masses of the people of this country. [Applause.]

When it came down to writing a tariff bill I did not shirk when the knife came to me. The gentleman charges me with being a tool of the interests, the representative of Wall Street, a follower of the liquor interests, and yet when it became necessary to pass a bill that would relieve the American people of unjust taxation, I allowed every single thing in my district to go on the free list, because I knew and knew well that the man who led that fight must bare his own breast to the storm before he could carry his followers over the breastworks. [Applause.]

Now, Mr. Speaker, I regret that this controversy should have been brought on the floor of the House of Representatives, but in conclusion I want to say that I challenge any man to show that I have been the tool of any interests in this country. I challenge any man to inspect my record for 18 years and show a single vote that has not been in the interest of the masses of my constituency and against the great trusts of this country. [Applause.]

I want to say to the gentleman from Alabama that, so far as I am personally concerned, no matter how much mud he may sling at me during the coming campaign, I do not intend to be involved in any such controversy. [Applause.] I welcome his criticism of my record in a legitimate way. I shall endeavor to criticize his record in a gentlemanly and legitimate way. But no matter what he may say or what he may do, I can assure him that he can not provoke me into wading in the mire of dirty politics in Alabama. [Great applause.]

Mr. DONOVAN. Mr. Speaker, before I say anything on the question I would like to have 3 or 4 minutes in addition to my 10, for fear I may not finish in 10 minutes.

Mr. THOMAS. Make it five minutes.

Mr. DONOVAN. I will ask for five minutes more.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that his time may be increased five minutes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Connecticut is recognized for 15 minutes.

Mr. DONOVAN. Mr. Speaker, with just a quotation from the New York World, I shall confine what I have to say to matters that took place or that have failed to take place in this body. What brought about this on my part was the fact that we had been here day after day with a very small attendance. This great money bill came along, which, in my opinion, was a greater measure than the tariff measure.

The conference report came in about the same time. As everyone knows, that money bill took two or three weeks to settle, and all these men that had taken in caucus a prominent part in the conference report took a very passive part in the passing of the money bill. I said one day, "What has become of all these great men?" Some one called attention to the fact that the gentleman from Alabama [Mr. HOBSON] who addressed us was hardly ever here. It occurred to me that that was true. To me it appeared strange, Mr. Speaker, that a man gifted as he is, so capable of illustrating his ideas, should absent himself, knowing as I did the rules that we all have to agree to when the Member says to the occupant of the Speaker's rostrum, "I take this obligation freely, without any mental reservation or purpose of evasion, and I will faithfully discharge the duties of the office on which I am about to enter" [reading from oath administered to Members of the House upon taking their seats].

Did some enemy of that great gentleman from Alabama [Mr. HOBSON] put that oath in the books in order to get him in trouble at some later day? [Laughter.] Just the other day on the floor of this House I heard our great Speaker say that it did not meet the question to have the pot call the kettle black, but it seems to be ethical with the gentleman from Alabama [Mr. HOBSON] that in getting out of a hole he shall pull somebody else into it. That would be a fine way to repair a wagon on the highway. If you have one wagon in a mud hole, pull another one in it.

Mr. Speaker, there is no one present in this body as a Member of it, or in any other legislative body of which I have been a member, who would say that I hesitate to speak the truth. It would make no difference to me whether the man of whom I spoke is a member of my party or of some other party. I always try to speak the truth. I have no stock in trade but the truth, and if I have made a statement about the gentleman that is not true I am sorry. I made it honestly, and I made it, as I say—

Mr. HOBSON rose.

Mr. DONOVAN. Oh, I refuse to be interrupted. My time is limited. Of course, Mr. Speaker, if I had had any idea that this was to be turned to an artful purpose, used to parade the gentleman's hold upon the public, or used to take advantage of the public, then I apologize to the other Members of the body for having been the cause of such a thing.

Mr. Speaker, I will supplement my statement of absenteeism more fully and clearly. I take the gentleman as he appears from the amateur stage, when he graduated, and I leave out his first term. Let us take now the Sixty-first Congress. In the first session of the Sixty-first Congress there were 61 roll calls—61 yea-and-nay votes. This most delightful character was absent 12 times, voting 26. He voted once to make a quorum and once on the question of a quorum he failed to vote. Let me repeat that. The gentleman was absent 12 times in the session of the Sixty-first Congress. He voted with our friends upon the other side, the Republicans, 6 times as against 12. He voted once to make a quorum and on the question of a quorum once he failed to vote. Twenty-six times he voted.

In the second session of the Sixty-first Congress the books show that he was absent 58 times, and according to the books in that second session of the Sixty-first Congress he voted 60 times—2 times more than he was absent. In that same second session of the Sixty-first Congress he voted with the stand-pat Republicans, which was a delightful pleasure, as the books will show, 7 times, and in that Congress he voted 10 times to make a quorum, and that was the extent of his vote. He voted "present" 6 times, and he failed to vote on the question of making a quorum 11 times. In the third session of the Sixty-first Congress he did not vote 43 times. He voted 59 times. He did a little better that time. He voted with the Republicans—that great Democrat, HOBSON from Alabama—8 times in that session, and he voted 22 times to make up a quorum, and 10 times he failed to vote in the making of a quorum, and 1 time he is recorded as being present.

Now let us take the Sixty-second Congress. This is where he performed his duty in a most faithful way. In that Congress there were three sessions. In the first session he did not vote or was absent 51 times. He voted 12 times—a beautiful memory! Perhaps I am committing a crime in calling attention to this, but during the time that Mr. Speaker Crisp occupied

the chair now occupied by our distinguished Speaker the following statute was passed:

The Secretary of the Senate and Sergeant at Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

The only excuse that the distinguished gentleman makes is that he has been paired sometimes; that is, it takes two Members to make a pair, and it means that there are two absent, so that a man might pair himself with another at the beginning of the session, and neither one need ever come around and yet get the whole salary. [Laughter.] Let me finish the first session of the Sixty-second Congress. He did not vote 51 times. He failed to vote to make a quorum 14 times and voted "present" 3 times—a beautiful citizen; a beautiful Member of Congress! In the second session of the Sixty-second Congress, again, he did not vote 134 times. I wonder if there was some vicious liquor dealer who kept him away from doing his duty. [Laughter.] He voted 58 times. He voted with the Republicans 6 times, and this is the man they are going to send to represent Alabama in the upper House! He voted "present" 11 times and voted to make a quorum 15 times and failed to vote to make a quorum 30 times. He did a little better in the last session of the Sixty-second Congress. He did not vote 49 times; he voted 64 times; voted with the stand-pat Republicans 6 times, voted "present" 6, voted to make a quorum 26, and failed to vote to make a quorum 17 times.

Now, Mr. Speaker, we have had present here these pages, every one of them, for everyone to see. We have had here the attachés of this building, every one of them present. Now, what are we going to say of men with this great salary and honor and prestige? Let the ship run as it may? Suppose some more stayed away. I want to call attention to the conditions and the type of men who come to us from Alabama. We all know on the roll call the first name we hear is that of an Alabamian, and I challenge anyone if he remembers the time when he failed to vote, and that is ABERCROMBIE. [Applause on the Democratic side.] If there is one State in this Union whose Members are consistently present it is that State—Alabama—with one exception. The President from that rostrum a few months ago told us to do our duty. He appeared upon that rostrum but lately with the same appeal for us to do our duty. I have evidence here that one gentleman from Alabama mentioned here has always done his duty. I will read this letter, for it ought to go into the RECORD as an example to new Members, as an example to everyone to do his duty. It is a tribute to good work; it is a tribute to honorable men who give the best that is in them to their country, without fear or hope of reward. This is it. It is a gem, in my estimation, and it is a proud heritage to the gentleman to whom it is addressed and his family:

THE WHITE HOUSE,
Washington, October 10, 1913.

HON. HENRY D. CLAYTON,
House of Representatives.

MY DEAR MR. CLAYTON: I am a great deal concerned at the thought of losing you from the working force of the House of Representatives. As the chief direction of affairs in the present session has lain with the Committee on Ways and Means and the Committee on Banking and Currency, I foresee that the chief responsibilities of the next session will lie with the Committee on the Judiciary, of which you are chairman. I was looking forward with great satisfaction to working with you and having your experienced counsel and assistance in the work that is before us. It seems to me, indeed, indispensable in the carrying out of our party's program.

I do not deem myself at liberty to suggest to you anything that would interfere with your own personal plans, and I feel rather selfish in saying what I am saying, but I considered it a matter of mere public duty on my part to say how earnestly I had desired that I might have your aid and counsel as chairman of the Judiciary Committee during the next session and the next Congress, for our work can not be finished in a single session. If I accomplish no more by this than giving myself the pleasure of letting you know my personal estimate of you, I shall, at any rate, have discharged my conscience in the matter and said what was really in my mind and heart. If I dared, I would beg you to remain in the House.

Cordially and sincerely, yours,

WOODROW WILSON.

Then the answer to the President from the courtly chairman of the Judiciary Committee is a missive that any State could well be proud to have come from the pen of any of her honored sons. It shows loyalty to party that is akin to religious faith:

DEAR MR. PRESIDENT: Your letter of October 10 was duly delivered by special messenger. Of course it gave me great pleasure to know your kind opinion of my past services and the possibilities of usefulness you consider me capable of in the succeeding sessions of Congress. My work heretofore in its connection with you has been exceedingly pleasant. I have been in hearty sympathy with all your patriotic plans and purposes, in so far as I have known them.

I have consulted with such friends as I could reach, and they have agreed with me that I should look upon the wish expressed by you, as the head of the party, as imperative. I will therefore give notice of my intention to remain in the House during the present Congress and

retire from the race for the Senate from Alabama and submit the matter of my reelection as Representative to the loyal Democrats of the third congressional district of Alabama.

I want to say to you formally what I said to you in person in our conversation at the White House last night—that I am very deeply appreciative of and grateful for the great compliment you have paid me in your letter.

Sincerely, yours,

HENRY D. CLAYTON.

Now, gentlemen, notice the date of the President's letter mentioned of the 10th of October. That was published in the Washington Post Sunday, the 12th. Where did that letter find that great man, HENRY D. CLAYTON? Right here attending to his duty. A letter by special messenger reached him. Where was the so-called, in his own estimation, great man from Alabama? [Laughter.] He could not be found, according to the Sergeant at Arms, although I ought to apologize; he may be here by warrant of the Sergeant at Arms for all I know. [Laughter.] The Sergeant at Arms most diligently tried to find him.

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. Mr. Speaker, I move that the gentleman be allowed to proceed indefinitely and conclude his remarks.

The SPEAKER. The gentleman from Alabama [Mr. HOBSON] asks unanimous consent that the gentleman from Connecticut may be allowed to proceed—

Mr. MANN. Mr. Speaker, reserving the right to object, how much more time does the gentleman want?

Mr. DONOVAN. I do not know that I need any more, but I will take one minute.

Mr. BARTLETT. Make it five.

Mr. DONOVAN. Five minutes, Mr. Speaker.

The SPEAKER. The gentleman asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DONOVAN. Now, Mr. Speaker, in conclusion I should say that I want the distinguished gentleman from Alabama [Mr. HOBSON] to tell some truths when he returns home, and this is the truth I want him to tell. Probably I have as much sympathy for that section of the country as anyone.

There lies in an unmarked grave an uncle of mine who fought on the Confederate side.

I realize that there have been years in the South United States officials who are just so much barter and trade and handfuls of clay, and used for vicious purposes. You go back home and say that when the amendment to the urgent deficiency bill to regulate the appointment of deputy United States marshals and deputy revenue collectors to protect the people of the South came up for action you were absent, but that the "gentleman from Connecticut," with two associates, gave the bill its majority to free the South from that obnoxious crew that has controlled the offices in the past. [Applause on the Democratic side.] You go back to the South and say that from old New England there were only four votes for that bill, one cast by the gentleman from Massachusetts [Mr. GILMORE] and three cast by Representatives from Connecticut. You tell your people that you deserted your interests and that the South had to depend on the gentleman from Connecticut, with his associates, to bring the bill to a conclusion and right the wrong that had been existing in Dixie. Tell that to your people and keep some of your talk out of your book of imagination, which seems to be your stock in trade.

You want to say this, too—and I am going to emphasize it—that when that great measure known as the Payne-Aldrich bill came in here—and why the gentleman from Alabama [Mr. UNDERWOOD] did not tell it all I do not know—four times you [Mr. HOBSON] voted for the Payne-Aldrich crew. The bill was in this House three different times. You voted on its final passage the first time. Where were you when it came back from the Senate on the 9th of July, 1909? You were absent. You were here on the 12th, for you voted on the income tax. You were here on the 20th, for you voted with us Democrats on the urgent deficiency bill; but, gentlemen, that is when it came back from the Senate. On the final passage of the bill, July 31, there were three yea-and-nay votes, and on the first roll call there were 11 absent, and on the third and final 10 absent, and the distinguished gentlemen [Mr. HOBSON] was one of those. Out of that 11 there were 4 pairs, 3 without a pair, and the distinguished gentleman [Mr. HOBSON] was one of the three. On the last bill there were four pairs, and two without a pair, and the distinguished gentleman from Alabama [Mr. HOBSON] was one of the two. The gentleman states that he had a pair for the session. The books do not show it. I do not know how he fixes it. Once he was paired with Mr. FOWLER and at another time with Mr. CAPRON. This time it does not show that he had a pair at all. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. I ask unanimous consent that the time of the gentleman, or others who care to talk on this subject, may be further extended.

Mr. DONOVAN. Mr. Speaker, I only want to read this one thing, from the New York World, and that is a Democratic newspaper.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to read an article from the New York World. Is there objection? [After a pause.] The Chair hears none.

Mr. DONOVAN. The article is as follows:

HOBSON AGAIN!

Fifteen years ago last June RICHMOND PEARSON HOBSON was a hero. He has been a nuisance ever since. With his militarism, his jingoism, his anti-Japanism, he has been a visitation upon his afflicted country.

Now he is running for the United States Senate against OSCAR W. UNDERWOOD. He feels that demands for \$50,000,000 for the Navy for 10 superdreadnoughts, even for immediate war with Japan, have lost their pristine charm. So he turns over a new leaf by denouncing Mr. UNDERWOOD as "the tool of the whisky ring and the money interests."

Coming on the heels of the passage of the Underwood Tariff Act, it is hard to decide whether this charge is the more outrageous or ludicrous. With South Carolina threatening to send Cole Blaise to the United States Senate, the bare possibility that Alabama might inflict Hobson on the country is enough to arouse a nation-wide interest in Mr. UNDERWOOD's candidacy.

[Laughter.]

FRANCHISES IN PORTO RICO (S. DOC. NO. 209).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs, the message to be printed and the accompanying documents to be filed with the committee:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WOODROW WILSON.

THE WHITE HOUSE, October 7, 1913.

Mr. MANN. What was the document that accompanied the President's message? I did not catch it. What was the document ordered to be printed?

The SPEAKER. The message was ordered to be printed, but the accompanying documents, certified copies of franchises, and so forth, are sent to the committee.

LAWS OF THE PHILIPPINE ISLANDS (S. DOC. NO. 205).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs, the message to be printed and the accompanying documents to be filed with the committee:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a set of the laws enacted by the Third Philippine Legislature, during its first session, from October 16, 1912, to February 3, 1913, inclusive, and its special session from February 6, 1913, to February 11, 1913, inclusive, and also certain laws enacted by the Philippine Commission.

WOODROW WILSON.

THE WHITE HOUSE, October 7, 1913.

The SPEAKER. The accompanying documents are copies of the statutes, and they are not ordered to be printed. If the House wants them printed hereafter, it can be done.

LAWS OF PORTO RICO (S. DOC. NO. 206).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs, the message to be printed and the accompanying documents to be filed with the committee:

To the Senate and House of Representatives:

As required by section 31 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted

by the Legislative Assembly of Porto Rico during the extraordinary session beginning June 20 and ending August 19, 1913.

WOODROW WILSON.

THE WHITE HOUSE, October 7, 1913.

LEAVE OF ABSENCE.

Mr. STEDMAN, by unanimous consent, obtained leave of absence for 10 days, on account of death in his family.

PERSONAL STATEMENT.

Mr. UNDERWOOD. I move, Mr. Speaker, that the House do now adjourn.

Mr. AUSTIN. Mr. Speaker, if the gentleman will withhold his motion for a moment, I wish to ask that the House indulge me in a personal statement. I do not suppose it will take more than three minutes.

Mr. UNDERWOOD. I will withhold the motion.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, on last Saturday, in the consideration of an amendment to the urgent deficiency bill providing for an extra month's pay for the employees of the House, I addressed the House for five minutes. I was followed later by the gentleman from Mississippi [Mr. Sisson], and I wish now to direct attention to what he stated in reference to my remarks. Mr. Sisson said:

Somebody stated a moment ago that it would be cowardly and pusillanimous for a man to take the position that I now take; that he ought not to have a right to represent the people on the floor of this House.

Farther along Mr. Sisson made this further statement:

When you say that a man is cowardly because he endeavors to protect the Public Treasury, when you say that a man is cowardly because he is not willing to stand by that which he believes to be right—when you make a statement of that kind you make it evidently without well considering what you are doing, and you have a contempt for every man who does not vote for what you wish. I believe the gentleman says that he never voted for a bill to tax the people and never voted against an appropriation bill except because it was too small.

Now, Mr. Speaker, I made no such statement as that construed by the gentleman from Mississippi. I have too much respect for myself, and I certainly have too much respect and consideration for my colleagues, to make such an unwise and unjust statement as that. I can very well excuse the gentleman from Mississippi, because in a running debate here it is almost impossible at times to accurately understand statements made by the Members. But evidence of the fact that the gentleman from Mississippi misunderstood what I did say can be easily obtained by a reading of what I actually said, and it is printed in Saturday's RECORD without the crossing of a "t" or the dotting of an "i."

I know the gentleman from Mississippi would not intentionally do me an injury or misrepresent me. But the man who has a double rôle to perform in this House, like the gentleman from Mississippi, has some excuse for misunderstanding what a Member may state in the heat of a running debate, for we all know that the mantle of the great Daniel Webster has fittingly fallen on the shoulders of the gentleman from Mississippi as the expounder and defender of the Constitution; and he not only fills that position with credit to himself, but to the entire satisfaction of this House; and since the passing of Judge Holman, of Indiana, the gentleman fills his position as a Member of this House in being the never-resting, vigilant, watchful guardian of the public funds in the Treasury of the United States. A man with these two great occupations in the American Congress is to be excused if he misunderstands what a colleague may state here in a running debate. It is true that I never vote against appropriations, and I made a campaign in my district in which I stated—

Mr. MANN. Mr. Speaker, I rise to a question of order, and ask for order. I think the two gentlemen from Alabama who have been quarreling for two hours here ought not to make up on the floor of the House at the expense of the gentleman from Tennessee.

The SPEAKER. The point of order is well taken. [Laughter.]

Mr. AUSTIN. I did make a campaign in my district on the proposition that I would never vote against—

The SPEAKER. The time of the gentleman has expired.

Mr. Sisson. How much time does the gentleman want?

Mr. AUSTIN. Three minutes.

Mr. Sisson. I ask unanimous consent that the gentleman from Tennessee have three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. I did make a campaign in Tennessee on a platform to never vote for a tax and never vote against an

appropriation, and I have carried out that pledge in good faith, and as a result my majority was increased from 800 to 4,000. [Laughter and applause.] But I will say to the gentleman from Mississippi that in the Committee on Public Buildings and Grounds and in the House I did vote to report one of his bills which was embraced in the last public buildings bill providing \$50,000 for a public building at Water Valley, Miss., where the Government pays \$440 a year rent for a post office, where the population is less than 5,000, and where the total postal receipts are under \$10,000.

But, Mr. Speaker, in view of the invaluable services rendered by the gentleman from Mississippi in the two capacities I have named I felt justified, not only in voting for a handsome public building in his own district, but I am sure I would be justified in the eyes of the American people in voting for a public building at every town, village, and hamlet in the State of Mississippi. I go further, Mr. Speaker. When I consider the length, breadth, and value of the gentleman's services as "the watchdog of the Treasury" and the defender of our Constitution, I would be tempted, in fact, to vote to send the standing Army to drive out every boll weevil in Mississippi. And in addition to that, Mr. Speaker, I would be justified in voting for a levee system as high as the Washington Monument, if necessary, to preserve the sacred soil of Mississippi from the overflows of the great Mississippi River. I would not stop at that, Mr. Speaker. I would search out the men who gave to the Nation such a fitting successor of Daniel Webster and Judge Holman, and I would let every man who voted to send him to this House have the right to draw on the Treasury of the United States at his own sweet will and pleasure whenever he was out of funds, and I would vote to pension him and all of his relatives, as well as all of his descendants. Now, having made this frank and open statement, I throw myself upon the generosity of this House, and I pray to be restored quickly and fully to the hearts and affections of my honored and loved colleagues, including the gentleman from Mississippi. [Laughter.]

Mr. Sisson. Mr. Speaker, I ask unanimous consent to make a statement of a minute or so.

The SPEAKER. The gentleman asks for two minutes. Is there objection?

There was no objection.

Mr. Sisson. Mr. Speaker, the gentleman from Tennessee [Mr. AUSTIN] and I have always been good friends, and I am glad that he does not take seriously any statement which tended in any way, if it did so, to put him in a false light, because I did not intend to do that. On the contrary, it was during the heat of a debate, and I had heard my friend say so frequently in private conversations that he always made campaigns down in his district upon the idea that he never voted for a bill to tax the people, and never voted against an appropriation bill except because it was too small. So I was simply a little nettled because, as I thought, the gentleman from Tennessee was endeavoring to put some of us in the attitude of being very cowardly because we saw fit and proper sometimes to oppose some appropriations. But the gentleman evidently did not state exactly what I understood, because he says the RECORD states exactly what he said, and he did not say exactly what I quoted him as saying. Therefore I am willing to have the RECORD show that the gentleman made the other statement, and not the statement which I attributed to him.

Mr. COOPER. Mr. Speaker, I ask permission briefly to correct an error in a statement which I made here during the debate on Saturday last on the urgent deficiency bill.

The SPEAKER. How much time does the gentleman want?

Mr. COOPER. Three or four minutes.

The SPEAKER. The gentleman asks unanimous consent for four minutes. Is there objection?

There was no objection.

Mr. COOPER. Mr. Speaker, on Saturday last, during the debate on the bill containing the paragraph relating to the memorial bridge, I said that I did not own and never had owned any interest in real estate except in the State of Wisconsin. That was absolutely true as to my not owning any real estate on Saturday elsewhere than in Wisconsin.

But 20 or more years ago, through the death of a relative, I inherited an undivided one-fifth interest in about 20 acres in the State of Washington on the Pacific coast. I never have been in the State of Washington nor ever seen the land. Years ago I quitclaimed all my interest in it to the owners of the other undivided shares.

More recently another relative died, and I became the owner of an undivided one-quarter interest in two or three lots of land in the city of Tacoma, in the State of Washington. This interest I also quitclaimed.

Mr. JOHNSON of Washington. Will not the gentleman come out to Tacoma and see some good real estate?

Mr. ADAMSON. What—on the way out? [Laughter.]

Mr. COOPER. These transactions did not occur to me, probably because I never have seen any of the lands, and also because there was no money or other property consideration involved. Although this is of no great importance, yet I thought best to mention it, because it always is well to correct even minor inaccuracies appearing in the Record in statements which purport to present facts.

Mr. THOMAS. Mr. Speaker, I move that the balance of this session be devoted to such remarks as Members desire to make, and that the rest of us be permitted to go home.

The SPEAKER. The motion of the gentleman from Kentucky is out of order.

Mr. MANN. That would not leave anybody here except on that side of the House.

[Mr. BRUMBAUGH addressed the House. See Appendix.]

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do adjourn.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 41, answered "present" 8, not voting 271, as follows:

YEAS—109.

Abercrombie	Dixon	Humphreys, Miss.	Sherwood
Alken	Donohoe	Jacoway	Sisson
Ansberry	Donovan	Johnson, Ky.	Smith, Tex.
Baitz	Doolittle	Kennedy, Conn.	Sparkman
Barkley	Doremus	Key, Ohio	Stephens, Miss.
Barnhart	Doughton	Kirkpatrick	Stevens, N. H.
Bartlett	Eagle	Lee, Ga.	Stone
Beakes	Edwards	Lee, Pa.	Stout
Beall, Tex.	Estopinal	Leshner	Stringer
Bell, Ga.	Evans	Lloyd	Taggart
Borchers	Fergusson	Lobeck	Talcott, N. Y.
Brockson	FitzHenry	McClellan	Tavener
Brown, W. Va.	Flood, Va.	McCoy	Ten Eyck
Brumbaugh	Floyd, Ark.	McDermott	Thacher
Buchanan, Ill.	Foster	McGillicuddy	Thomas
Buchanan, Tex.	Gard	Maguire, Nebr.	Thompson, Okla.
Byrnes, S. C.	Garrett, Tex.	O'Hair	Tribble
Byrns, Tenn.	George	Oldfield	Tuttle
Candler, Miss.	Godwin, N. C.	Pepper	Underwood
Casey	Goeko	Phelan	Vaughan
Clark, Fla.	Gorman	Pou	Walker
Claypool	Gray	Ragsdale	Walsh
Clayton	Hammond	Raker	Watkins
Connolly, Iowa	Hardy	Rauch	Webb
Cox	Helm	Rayburn	Young, Tex.
Crosser	Helvering	Reilly, Conn.	
Dent	Hill	Rothermel	
Dershem	Hughes, Ga.	Sherley	

NAYS—41.

Anderson	French	MacDonald	Shreve
Austin	Greene, Vt.	Mann	Sinnott
Avis	Hamilton, N. Y.	Mapes	Smith, Idaho
Bell, Cal.	Hawley	Mondell	Steenerson
Bowdle	Johnson, Utah	Nelson	Temple
Browne, Wis.	Johnson, Wash.	Parker	Towner
Campbell	Kennedy, Iowa	Payne	Woodruff
Cooper	Kindel	Plumley	Woods
Falconer	Lafferty	Powers	
Fess	La Follette	Rogers	
Frear	Lindquist	Sharp	

ANSWERED "PRESENT"—8.

Adamson	Fields	McLaughlin	Smith, J. M. C.
Crisp	Hardwick	Morrison	Watson

NOT VOTING—271.

Adair	Butler	Dies	Goldfogle
Ainey	Calder	Difenderfer	Good
Alexander	Callaway	Dillon	Goodwin, Ark.
Allen	Cantrill	Dooling	Gordon
Anthony	Caraway	Driscoll	Goulden
Ashbrook	Carew	Dunn	Graham, Ill.
Aswell	Carlin	Dupré	Graham, Pa.
Bailey	Carr	Dyer	Green, Iowa
Baker	Carter	Eagan	Greene, Mass.
Barchfeld	Cary	Edmonds	Gregg
Bartholdt	Chandler, N. Y.	Elder	Griest
Barton	Church	Esch	Griffin
Bathrick	Clancy	Fairchild	Gudger
Blackmon	Cline	Falson	Guernsey
Booher	Collier	Farr	Hamill
Borland	Connelly, Kans.	Ferris	Hamilton, Mich.
Bremner	Conry	Finley	Hamlin
Britten	Copley	Fitzgerald	Harrison
Brodbeck	Covington	Fordney	Hart
Broussard	Cramton	Fowler	Haugen
Brown, N. Y.	Cullop	Francis	Hay
Browning	Curley	Gallagher	Hayden
Bruckner	Curry	Gardner	Hayes
Bryan	Dale	Garner	Healin
Bulkley	Danforth	Garrett, Tenn.	Helgesen
Burgess	Davenport	Gerry	Henry
Burke, Pa.	Davis	Gillett	Hensley
Burke, S. Dak.	Decker	Gilmore	Hinds
Burke, Wis.	Detrick	Gittins	Hinebaugh
Burnett	Dickinson	Glass	Hobson

Holland	Lindbergh	Palmer	Smith, N. Y.
Houston	Linthicum	Patten, N. Y.	Stafford
Howard	Logue	Patton, Pa.	Stanley
Howell	Loneragan	Peters, Mass.	Stedman
Hoxworth	McAndrews	Peters, Me.	Stephens, Cal.
Hughes, W. Va.	McGuire, Okla.	Peterson	Stephens, Nebr.
Hullings	McKellar	Platt	Stephens, Tex.
Hull	McKenzie	Porter	Stevens, Minn.
Humphrey, Wash.	Madden	Post	Sumners
Igoe	Mahan	Prouty	Sutherland
Johnson, S. C.	Maher	Quin	Switzer
Jones	Manahan	Rainey	Talbot, Md.
Kahn	Martin	Reed	Taylor, Ala.
Keating	Merritt	Reilly, Wis.	Taylor, Ark.
Keister	Metz	Richardson	Taylor, Colo.
Kelley, Mich.	Miller	Riordan	Taylor, N. Y.
Kelly, Pa.	Mitchell	Roberts, Mass.	Thomson, Ill.
Kennedy, R. I.	Montague	Roberts, Nev.	Townsend
Kent	Moon	Rouse	Treadway
Kettner	Moore	Rube	Underhill
Kiess, Pa.	Morgan, La.	Rucker	Vare
Kinkaid, Nebr.	Morgan, Okla.	Rupley	Volstead
Kinkaid, N. J.	Morin	Russell	Wallin
Kitchin	Moss, Ind.	Sabath	Walters
Knowland, J. R.	Moss, W. Va.	Saunders	Weaver
Konop	Mott	Scott	Whaley
Korby	Murdoch	Scully	Whitacre
Kreider	Murray, Mass.	Seldomridge	White
Langham	Murray, Okla.	Sells	Williams
Langley	Neeley	Shackleford	Willis
Lazaro	Nolan, J. I.	Sims	Wilson, Fla.
L'Engle	Norton	Slayden	Wilson, N. Y.
Lenroot	O'Brien	Slemp	Wingo
Lever	Oglesby	Sloan	Winslow
Levy	O'Leary	Small	Witherspoon
Lewis, Md.	O'Shaunessy	Smith, Md.	Young, N. Dak.
Lewis, Pa.	Padgett	Smith, Saml. W.	
Lieb	Page	Smith, Minn.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. BLACKMON with Mr. BARCHFIELD.

Mr. KONOP with Mr. MORIN.

Mr. SUMNERS with Mr. ESCH.

Mr. GARNER with Mr. J. I. NOLAN.

Mr. WILLIAMS with Mr. BRITTEN.

Mr. RICHARDSON with Mr. MARTIN.

Mr. MADDEN with Mr. RAINEY.

Mr. HARRISON with Mr. GRAHAM of Pennsylvania.

Mr. ALLEN with Mr. J. M. C. SMITH (commencing Oct. 1, except on currency and tariff).

Mr. PAGE with Mr. GILLET (commencing Sept. 30, after third roll call).

Mr. CANTRILL with Mr. HELGESEN.

Mr. FIELDS with Mr. LANGLEY.

Mr. HOLLAND with Mr. VOLSTEAD (commencing Oct. 3).

Mr. REED with Mr. WINSLOW (commencing Oct. 1, remainder of extra session).

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. CONNELLY of Kansas with Mr. HAMILTON of Michigan.

Mr. STEPHENS of Nebraska with Mr. SLOAN.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. DICKINSON with Mr. KINKAID of Nebraska (after vote on tariff conference report, currency excepted at option of either party).

Mr. STEPHENS of California with Mr. WITHERSPOON (commencing Oct. 3, except on cotton-futures amendment).

Mr. CLINE with Mr. NORTON (commencing Oct. 1).

Mr. STEPHENS of Texas with Mr. BURKE of South Dakota.

Mr. BOOHER with Mr. SLEMP.

Mr. KETTNER with Mr. SCOTT.

Mr. BURKE of Wisconsin with Mr. CARY.

Mr. HARDWICK with Mr. FORDNEY (commencing Oct. 1).

Mr. CRISP with Mr. HINDS (transferable).

Mr. DIES with Mr. SWITZER.

Mr. CARAWAY with Mr. KENNEDY of Rhode Island.

Mr. CONRY with Mr. KREIDER.

Mr. SPARKMAN with Mr. HOWELL.

Mr. JONES with Mr. HINEBAUGH.

Mr. UNDERHILL with Mr. HAYES.

Mr. RUCKER with Mr. HAUGEN.

Mr. MOON with Mr. DILLON.

Mr. TAYLOR of Alabama with Mr. GUERNSEY.

Mr. CULLOP with Mr. CALDER.

Mr. BULKLEY with Mr. BRYAN.

Mr. HAMLIN with Mr. COPLEY.

Mr. MURRAY of Massachusetts with Mr. SAMUEL W. SMITH.

Mr. RUSSELL with Mr. DANFORTH.

Mr. ALEXANDER with Mr. ROBERTS of Massachusetts.

Mr. DUPRE with Mr. ANTHONY.

Mr. GRAHAM of Illinois with Mr. PETERS of Maine.

Mr. PETERS of Massachusetts with Mr. SMITH of Minnesota.

Mr. CURLEY with Mr. J. R. KNOWLAND.

Mr. McKELLAR with Mr. MOTT.
 Mr. GLASS with Mr. SELLS.
 Mr. FINLEY with Mr. GREEN of Iowa.
 Mr. BREMNER with Mr. KIESS of Pennsylvania.
 Mr. RUPLEY with Mr. TREADWAY.
 Mr. HENRY with Mr. LEWIS of Pennsylvania.
 Mr. STANLEY with Mr. FAER.
 Mr. HOWARD with Mr. GRIEST.
 Mr. HENSLEY with Mr. DYER (commencing October 1).
 Mr. WILSON of Florida with Mr. GOOD (commencing October 1).
 Mr. ASWELL with Mr. McLAUGHLIN (commencing September 3).

Mr. WATSON with Mr. KAHN (commencing October 13).
 Mr. COVINGTON with Mr. MILLER.
 Mr. HOUSTON with Mr. WILLIS.
 Mr. HEFLIN with Mr. DUNN.
 Mr. HOSWORTH with Mr. ROBERTS of Nevada.
 Mr. GREGG with Mr. MOSS of West Virginia.
 Mr. DAVENPORT with Mr. MANAHAN.
 Mr. KITCHIN with Mr. MURDOCK.
 Mr. KORBLY with Mr. PATTON of Pennsylvania.
 Mr. LEVER with Mr. PLATT.
 Mr. LINTHICUM with Mr. VARE.
 Mr. GERBY with Mr. WATERS.
 Mr. CARLIN with Mr. PROUTY.
 Mr. ROUSE with Mr. RUPLEY.
 Mr. CLANCY with Mr. PORTER.
 Mr. TAYLOR of Arkansas with Mr. SUTHERLAND.
 Mr. FITZGERALD with Mr. YOUNG of North Dakota.
 Mr. GORDON with Mr. THOMSON of Illinois.
 Mr. FERRIS with Mr. KEISTER.
 Mr. GARRETT of Tennessee with Mr. LANGHAM.
 Mr. HAY with Mr. McKENZIE.
 Mr. MORGAN of Louisiana with Mr. HULINGS.
 Mr. PALMER with Mr. MOORE.
 Mr. WINGO with Mr. KELLEY of Michigan.
 Mr. BATHRICK with Mr. KELLY of Pennsylvania.
 Mr. FRANCIS with Mr. HUGHES of West Virginia.
 Mr. ASHBROOK with Mr. GREENE of Massachusetts.
 Mr. MONTAGUE with Mr. DAVIS.
 Mr. KINKRAD of New Jersey with Mr. CRAMTON.
 Mr. STEDMAN with Mr. EDMONDS.
 Mr. SAUNDERS with Mr. AINEY.
 Mr. LIEB with Mr. CURRY.
 Mr. HAMILL with Mr. BURKE of Pennsylvania.
 Mr. GOODWIN of Arkansas with Mr. BARTON.
 Mr. BURNETT with Mr. BUTLER.

For the session:

Mr. SLAYDEN with Mr. BARTHOLDT.
 Mr. METZ with Mr. WALLIN.
 Mr. ADAMSON with Mr. STEVENS of Minnesota.
 Mr. SCULLY with Mr. BROWNING.
 Mr. HOBSON with Mr. FAIRCHILD.

Mr. MORRISON. Mr. Speaker, I have a general pair with the gentleman from Washington, Mr. HUMPHREY, which I had forgotten. I answered "yea," and I desire to change my vote from "yea" to "present."

The name of Mr. MORRISON was called, and he answered "Present."

Mr. McLAUGHLIN. Mr. Speaker, I have a pair with Mr. ASWELL, of Louisiana. I wish to withdraw my vote of "nay" and answer "present."

The name of Mr. McLAUGHLIN was called, and he answered "Present."

Mr. HAYDEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall listening when his name was called?

Mr. HAYDEN. No.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 53 minutes p. m.), the House adjourned until to-morrow, Tuesday, October 14, 1913, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4433) granting an increase of pension to John Reilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7058) granting a pension to Charles A. Van Atta; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREGG: A bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 8847) amending paragraph 81 of the act creating a public utilities commission; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 8848) to amend section 2324 of the Revised Statutes of the United States, relating to mining claims; to the Committee on the Public Lands.

By Mr. ANDERSON: A bill (H. R. 8849) to enlarge, extend, remodel, and improve the post-office building at Albert Lea, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: A resolution (H. Res. 285) referring the bill (H. R. 8850) for the relief of the heirs of David H. Creel to the Court of Claims; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 8850) for the relief of the heirs of David H. Creel; to the Committee on War Claims.

By Mr. CASEY: A bill (H. R. 8851) to place the name of Jedediah C. Paine upon the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 8852) granting a pension to Isaac Cary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8853) granting an increase of pension to Franklin T. Alderman; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 8854) granting an increase of pension to Anne Darcy; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 8855) granting a pension to Martha A. Kaiser; to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 8856) granting an increase of pension to James Carroll; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARLIN: Papers to accompany bill (H. R. 8850) for the relief of the heirs of David H. Creel; to the Committee on War Claims.

By Mr. FITZGERALD: Petition of the Third Annual State Conference on Taxation, Binghamton, N. Y., requesting Congress to provide for collecting statistics of wealth, debt, and taxation, as authorized by permanent census act, at the earliest practicable moment; to the Committee on the Census.

Also, petition of the District Lodge, No. 44, International Association of Machinists, Washington, D. C., favoring an immediate change in the naval regulations so as to permit representation of the employees on the wage boards; to the Committee on Naval Affairs.

By Mr. KIESS of Pennsylvania: Papers to accompany bill (H. R. 6841) for the relief of William Lammerhirt; to the Committee on Pensions.

Also, papers to accompany bill (H. R. 1202) for the relief of Julius Widdigen; to the Committee on Invalid Pensions.

By Mr. MCGILLICUDDY: Petition of Camden (Me.) Board of Trade, favoring passage of legislation for protection from floods of the territory adjacent to the lower Mississippi River; to the Committee on Rivers and Harbors.

By Mr. UNDERHILL: Petition of citizens of the thirty-seventh congressional district of New York, favoring the passage of legislation compelling concerns selling goods direct to the consumer, by mail, to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Ways and Means.